

## Chapter 39 - Zoning Ordinance

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01.00.00     ARTICLE I     SHORT TITLE

01.10.00     SHORT TITLE:

This Chapter shall be known and cited as the City of Troy Zoning Ordinance.

01.20.00     ADDITIONAL STANDARDS:

The City of Troy Zoning Ordinance includes the basic development standards of the Zoning Districts and is to be supplemented by:

- A.     Pertinent chapters of the City Code relating to specific uses;
- B.     Subdivision Control Ordinance (Chapter 41 - City Code);
- C.     Engineering Design Standards; and,
- D.     Landscape Design Standards;

Developers of property in the City of Troy shall consult these additional standards to assure that specific development proposals are in conformity.

01.30.00     INTERPRETATION:

In the interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of Buildings or premises; provided, however, that where this Chapter imposes a greater restriction that is required by Existing Ordinance or by rules, regulations or permits, the provisions of this Chapter shall control.

01.40.00     REPEAL OF PRIOR ORDINANCE:

The Zoning Ordinance adopted by the City of Troy, known as Ordinance No. 23 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

01.50.00     SEVERANCE CLAUSE:

Sections of this Chapter shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

02.00.00      ARTICLE II      PLANNING COMMISSION, CHANGES AND AMENDMENTS TO  
THE ZONING ORDINANCE, AND APPROVALS

02.10.00      PLANNING COMMISSION:

The City Planning Commission heretofore created pursuant to Public Act 285 of 1931, MCL 125.31, et. seq., as amended, and the City Charter, is hereby continued. Pursuant to section 301(2) of Act 110 of the Public Acts of 2006, MCL 125.3301(2), all powers and duties of a zoning commission are hereby transferred to the City Planning Commission, which shall perform the duties of said Commission as provided in the Statute in connection with the amendment of this Chapter.

(Enacted: 09-18-06; Effective: 10-01-06)

02.10.01      MEMBERS, TERMS

The City Planning Commission shall consist of nine (9) members who shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. No member shall hold any other municipal office except that one of such members may be a member of the Board of Zoning Appeals. Each member shall receive as compensation for his services a sum to be determined by City Council (Resolution #2004-10-537-E14). The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years and three for a term of three (3) years. All members shall hold office until their successors are appointed. Members may, upon written charges and after a public hearing, be removed by the Mayor for misfeasance, nonfeasance or malfeasance in office subject to the approval by a majority vote of City Council. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor, subject to the approval by a majority vote of City Council.

(Enacted: 09-18-06; Effective: 10-01-06)

02.10.02      POWERS AND DUTIES:

The City Planning Commissions shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties including:

1. The making and adopting of a master plan for the physical development of the municipality. Such plan shall show among other things, the Commission's recommendations for the general location, character and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings, and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating or abandoning of any of the foregoing.
2. Recommendations related to the adoption of a zoning ordinance for the control of the height, area, bulk, location and use of buildings and premises, and all changes and amendments thereto, including conditional rezoning applications as per Article 03.24.00.

(Rev. 07-24-06)

3. The recommendation of approval to City Council of all preliminary plats subdividing land, site condominium plans, planned unit developments, some special use approval applications and any amendments or alterations thereof.
4. The recommendation to City Council on ordinance text amendments, street and alley vacations or extensions, and historic district designations.
5. Acting as the approval authority on site plans and most special use approval applications.

02.10.03 VOTING REQUIREMENTS:

The concurring vote of five (5) members of the Planning Commission is necessary to decide in favor of the applicant on site plan review and special use requests unless the Planning Commission does not have final jurisdiction on the matter. The concurring vote of six (6) members of the Planning Commission is necessary for approval of master plan or future land use plan amendments. All other issues before the Planning Commission, including, but not limited to, rezoning proposals, site condominium plans, planned unit developments, ordinance text amendments, subdivision plats, street and alley vacations or extensions, and historic district designations are recommendations to City Council and the concurrence of a majority of the Planning Commission members is necessary to recommend an action to the City Council.

02.10.04 FINANCES:

The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.

(09-27-04)

02.20.00 CHANGES AND AMENDMENTS

The Troy City Council may from time to time, on recommendation from the City Planning Commission, or on petition amend, supplement or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006 as amended. The City Planning Commission shall at least once per year prepare for the Troy City Council a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

(Enacted: 09-18-06; Effective: 10-01-06)

02.30.00 VESTED RIGHT:

Nothing in this Chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

02.40.00 COMMISSION APPROVAL:

In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this Chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the

proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Chapter. Any approval given by the Commission, under which premises are not used or work is not started within twelve (12) months or when use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

### 02.50.00 ENFORCEMENT, PENALTIES AND OTHER REMEDIES

#### 02.50.01 VIOLATIONS:

Except as specified in other sections of this Chapter, any person, firm or corporation violating the provisions of this Chapter is responsible for committing a Municipal Civil Infraction and subject to the provisions of Chapter 100 of the Code for the City of Troy.

(Rev. 03-27-06)

#### 02.50.02 PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of premises or land, which is begun or changed subsequent to the time of passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Rev. 03-27-06)

#### 02.50.03 FINES AND OTHER SANCTIONS:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be responsible for a separate offense and subject to fines, costs, damages and injunctive orders as authorized by Chapter 100.

(Rev. 03-27-06)

#### 02.50.04 EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Rev. 03-27-06)

#### 02.50.05 RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Rev. 03-27-06)

03.00.00      ARTICLE III      APPLICATIONS AND PROCEDURES

03.10.00      INTENT:

The following Sections indicate the procedures to be followed, the applications required and the submittal requirements necessary for petitioners seeking the Rezoning of property, Site Plan Approval, Special Use Approval or Subdivision Plat Approval within the City of Troy.

03.20.00      REZONING OF PROPERTY

03.21.00      PROCEDURE

03.21.01      A petitioner, seeking the rezoning of property within the City of Troy, shall file an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

03.21.02      The request for rezoning shall, if complete in its submittal, be reviewed by the Planning Department which shall prepare a comprehensive report on the request for the Planning Commission.

03.21.03      A sign shall be placed on the subject property to inform the public that a request for rezoning has been filed, and to indicate the location of information regarding the request.

03.21.04      The Planning Commission shall review the request for rezoning, supplementary materials in support or opposition thereto, as well as the Planning Department's report, at a Public Hearing established for that purpose, and shall make its recommendation to the City Council.

03.21.05      The petition for rezoning, along with the report from the Planning Department containing the recommendation of the Planning Commission, shall be forwarded to the City Manager and subsequently to the City Council. The City Manager shall establish a date on which the City Council shall hold a Public Hearing on the matter.

(Rev. 10-06-97)

03.21.06      The City Council shall hear the petition for rezoning and review the Planning Commission and Planning Department recommendations relative to that request at their Public Hearing. The City Council, after a review of the matter, shall adopt a resolution which shall either:

- (A)      Table the request;
- (B)      Deny the request; or,
- (C)      Approve the Ordinance rezoning all or part of the property.

(Rev. 10-06-97)

03.21.07      In the event a protest petition meeting the requirements of this section as certified by the City Clerk's office is presented to the City Council prior to the final adoption of an amendment to this ordinance, such amendment shall not be passed except by a two-thirds (2/3) vote of the City Council. Said protest petition shall be duly signed by the owners of at least twenty percent (20%) of the area of land included in the proposed change, or by the

owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land. The protest petition shall be submitted to the City Clerk by 12:00 P.M. on the day of the City Council Public Hearing on the proposed amendment, on a form provided by the City.

(02-28-05)

03.22.00     APPLICATIONS

03.22.01     Application forms for the rezoning of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.23.00     SUBMITTAL REQUIREMENTS

03.23.01     A petition or request for the rezoning of property within the City of Troy shall be submitted on forms published by the Planning Department and shall contain the following information:

1.     The present zoning classification of the property.
2.     The proposed zoning classification.
3.     The name, address and telephone of the person applying for the rezoning.
4.     The name, address and telephone of the person who owns the subject property.
5.     The relationship between the applicant and the property owner.
6.     A Certified Survey which includes a legal description and boundary survey of the property, including a scaled drawing, prepared by a Licensed Land Surveyor. The legal description and drawings shall be provided on 8-1/2"x 14" pages attached to the application. The legal description of acreage parcels shall be tied to a Section Corner.

(Rev. 10-06-97)

7.     A location map (minimum scale of 1" = 400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
8.     The proposed use of the property shall be indicated on the application.
9.     Attached to this application shall be two (2) prints of the proposed site plan indicating the subject property and the buildings and/or uses proposed to be constructed. These site plans are to be drawn a scale not less than 1" = 40'.
10.    An Environmental Impact Statement (12 copies) shall be submitted with this application in those instances where such is required in accordance with ARTICLE VII of the Zoning Ordinance.

(Rev. 10-06-97)

03.23.02 Failure to provide the information and materials required herein as a part of the application for rezoning shall render the application deficient and said application shall be held in abeyance until all items required herein are submitted.

03.24.00 CONDITIONAL REZONING

03.24.01 AUTHORITY. City Council shall have the authority to place conditions (that have been voluntarily offered in writing by the applicant) on a rezoning related to the future use and development of a parcel, as long as the conditions are acceptable to the property owner, applicant, and the City. Prior to taking action on a Conditional Rezoning request, the Planning Commission shall hold a public hearing and make a recommendation pursuant to Public Act 579 of the Public Acts of 2004. Conditional Rezoning shall not authorize uses except as permitted in the new zoning district.

03.24.02 PROCEDURE. The procedure for approval of Conditional Rezoning request shall be the same as provided in Sections 03.21.00 through 03.23.02 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

A. APPLICATION. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:

1. A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
2. A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
3. A list of conditions proposed by the applicant.
4. A time frame for completing the proposed improvements.
5. A legal description of the land.
6. A complete Preliminary Site Plan application (and Special Use Approval application, if required). All proposed conditions of the rezoning shall be included on the site plan. City Council shall have the authority to grant Preliminary Site Plan Approval and Special Use Approval following a recommendation by the Planning Commission. If a developer presents a revised site plan to City Council, the site plan shall be remanded back to the Planning Commission for a recommendation to City Council.

B. PUBLIC HEARING. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.

- C. STANDARDS FOR APPROVAL. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
1. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
  2. The conditions, proposed development and/or proposed use are not in material conflict with the Future Land Use Plan, or, if there is material conflict with the Future Land Use Plan, such conflict is due to one of the following:
    - a. A change in City policy since the Future Land Use Plan was adopted;
    - b. A change in conditions since the Future Land Use Plan was adopted;
    - c. An error in the Future Land Use Plan.
  3. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
  4. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
  5. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- D. AMENDMENT TO ZONING MAP. Upon approval by City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

03.24.03 EXPIRATION. A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless approved bona fide development of the property in accordance with permits issued by the City, commences within such two (2) year period and proceeds in due course to completion.

- A. In the event bona fide development has not commenced within two (2) years from the effective date of the conditional rezoning, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
- B. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
  1. The property owner seeks a new rezoning classification for the property, and/or



2. The City initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.

03.24.04 A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.

03.24.05 If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

(07-24-06)

03.25.00 PUBLIC NOTICE OF PROPOSED REZONINGS AND TEXT AMENDMENTS:

A. If an application for rezoning or a zoning ordinance text amendment is complete and the matter is ready to proceed to a public hearing in accordance with Act 110 of the Public Acts Of 2006, notice shall be given not less than 15 days before each public hearing at which the application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1. The applicant.
2. The owner(s) of the property, if the applicant is not the owner.
3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.
4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.

B. The notice shall include:

1. The nature of the rezoning or zoning amendment being requested.
2. The property(ies) for which the zoning amendment has been proposed.
3. If the rezoning or zoning amendment involves less than 11 adjacent properties, a listing of all existing street addresses within the property(ies) which is(are) the subject of the rezoning or zoning amendment. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

(Enacted: 09-18-06; Effective: 10-01-06)

03.30.00 SPECIAL USE APPROVAL

03.31.00 PROCEDURE

03.31.01 A petitioner, seeking Special Use Approval for a proposed use of property located within the City of Troy, shall file an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

03.31.02 The request for Special Use Approval shall be reviewed by the Planning Department which shall prepare a comprehensive report on the request for the Planning Commission.

03.31.03 A sign shall be placed on the subject property to inform the public that a request for Special Use Approval has been filed, and to indicate the location of information regarding the request.

03.31.04 The Planning Commission shall review the request for Special Use Approval, supplementary materials either in support or opposition thereto, as well as the Planning Department's report, at a Public Hearing established for that purpose, and shall either grant or deny the request, take action on the request, or grant the request subject to specific conditions. In those instances where the City Council has final authority for Special Use Approval, the Public Hearing shall be held by the City Council following receipt of a report and recommendation from the Planning Commission.

03.31.05 Before approving any requests for Special Use Approval, the Planning Commission, or the City Council where indicated, shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

03.31.06 The Planning Commission, and the City Council where indicated, in their review of the request for Special Use Approval may, at their discretion, impose greater yard or landscaping requirements than are called for within the Zoning Ordinance or impose other conditions it deems necessary when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.

03.31.07 The Planning Commission's determinations, or those of the City Council where indicated, regarding the request for Special Use Approval shall be stated as a part of the Resolution of Approval or Denial and said statement, including any and all conditions imposed in addition to those stated in the Zoning Ordinance, shall be made a part of the Public Record.

03.31.08 Any Special Use Approval granted by the Planning Commission, or the City Council where indicated, must be activated within one (1) year of the date of Approval. If the use is activated within this period, the Approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the Planning Commission or City Council Resolution of Approval. When a Use approved under the Special Use Approval procedure ceases to function or is abandoned for a period of (12) twelve months, the Special Use Approval shall lapse and shall no longer be in effect.

(11-19-90)

03.31.09 Upon receipt of information that a Special Use is being conducted in violation of applicable ordinances or conditions, the Planning Commission may exercise its' discretion to terminate or modify the Special Use Approval, following a Public Hearing established in order to consider such action.

### 03.32.00 APPLICATIONS

03.32.01 Application forms for Special Use Approval for the specified uses of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

### 03.33.00 SUBMITTAL REQUIREMENTS

03.33.01 A petition or request for Special Use Approval for specified uses of property within the City of Troy shall be submitted on forms published by the Planning Department and shall contain the following information:

1. The name, address and telephone of the person applying for Special Use Approval.
2. The name, address and telephone of the owner of the property.
3. The relationship between the applicant and the property owner.
4. The present zoning classification of the subject property.
5. The proposed use of the property.
6. A Certified Architectural Survey and a Certified Boundary Survey of the property prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey drawings shall be provided on 8-1/2" x 14" pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. The Architectural Survey requirement may be waived by the

Planning Director in instances where no new building construction is proposed, and a current Site Plan is available.

7. A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
8. Six copies of a site plan, drawn to a scale of not less than 1" = 20' (1" = 50' for parcels of three acres or more) wherein the following items shall be clearly labeled and dimensioned accurately:
  - a. All lot and property lines.
  - b. Existing structures on the site of the proposed use.
  - c. Existing and future rights-of-way of adjacent streets, including center lines.
  - d. Setbacks and required yards.
  - e. Parking areas, access drives, and loading areas.
  - f. Landscape and open space areas.
  - g. Location of any existing driveways and streets within 100' of the subject property, including those across frontage streets.
9. Site plans submitted in conjunction with requests for Special Use Approval shall include the following calculations:
  - a. Gross and net (after existing or planned rights-of-way) site area.
  - b. Gross and net ("usable") building area.
  - c. Required parking and statement of parking provided.
  - d. Required landscaped area and statement of area provided.
10. A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Special Use Approval which involve building construction, expansion, or site alterations. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Architectural Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.

(11-19-90)

03.33.02 In those instances where Site Plan Approval is required in conjunction with Special Use Approval (primarily in cases where new building construction or expansion is involved) the submittal requirements shall be increased to be the same as those prescribed by Section 03.43.00.

03.33.03 Failure to provide the information and materials required herein as a part of the application for Special Use Approval shall render the application deficient and said application shall be held in abeyance until all items required herein are submitted.

03.34.00      PUBLIC NOTICE FOR SPECIAL USE APPROVALS:

A.      If the application for Special Use Approval is complete, notice shall be given not less than 15 days before each public hearing at which the application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1. The applicant.
2. The owner(s) of the property, if the applicant is not the owner.
3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.
4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.

B. The notice shall include:

1. The nature of the special use being requested.
2. The property(ies) for which the request has been made.
3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the special use. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

(Enacted: 09-18-06; Effective: 10-01-06)

03.40.00      SITE PLAN REVIEW / APPROVAL

03.40.01      INTENT

03.40.02      The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to protect natural resources, to ensure safety for both internal and external vehicular and

pedestrian users, to achieve innovative storm water management solutions, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

(09-27-04)

### 03.40.03 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

1. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a One-Family or two family dwelling.
2. Development of uses other than an individual One-Family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.
3. Any Change in use that could affect compliance with the standards set forth in this Ordinance.
4. Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.
5. The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.
6. Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.
7. A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.
8. Changes to pedestrian access or site and building interconnectivity.
9. The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

(09-27-04)

### 03.41.00     PROCEDURE

03.41.01     A petitioner seeking Site Plan Approval as required under Section 03.40.03 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

(Rev. 09-27-04)

03.41.02     The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.

03.41.03     Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.

(Rev. 09-27-04)

03.41.04     The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one-year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final. Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.

(Rev. 09-27-04)

03.41.05     Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. The Department of Parks and Recreation shall review and approve the Landscape Plan prior to the application for Preliminary Site Plan Approval.

(Rev. 09-27-04)

03.41.06     Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.

03.41.07     The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments, and before granting of any building permits, submit the site plan

to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.02 of this Article. Applications for Final Condominium Approval shall also include four (4) copies of the recorded Condominium Master Deed and Condominium Bylaws. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(Rev. 09-27-04)

03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.02 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

(Rev. 09-27-04)

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

1. Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or
2. Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or
3. Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

(Rev. 09-27-04)

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments. (11-19-90)



03.41.12     Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00     APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00     SUBMITTAL REQUIREMENTS

03.43.01     A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

1.     The name, address and telephone of the person applying for Preliminary Site Plan Approval.
2.     The name, address and telephone of the owner of the property.
3.     The relationship between the applicant and the property owner.
4.     The present zoning classification of the subject property.
5.     The proposed use of the property.
6.     A Certified Topographic Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The Topographic Survey shall provide one-foot contour intervals and shall be printed on a 24 x 36 inch sheet. The legal description and boundary survey shall be provided on 8-1/2 x 14 inch pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:
  - a.     No additional impervious surfaces will be constructed on the property.
  - b.     The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.

(Rev. 09-27-04)

7.     A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.

8. Attached to this application shall be ten (10) prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:

(Rev. 09-27-04)

- a. All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
- b. All drawings are to have a northpoint and the scale of the drawing is to be indicated.
- c. All lot and property lines.
- d. Location of all proposed structures.
- e. Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
- f. Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
- g. Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 05-17-93)

- h. Indication of the means by which storm water detention will be provided.
- i. Setbacks and required yards.
- j. Parking areas, access drives, loading and unloading areas, and trash receptacles.
- k. Greenbelts, landscape areas and other open space areas; and screening walls.
- l. The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.
- m. The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
- n. Calculations for the following shall be included on the site plan:
  - 1. Gross and net (after rights-of-way) site area.
  - 2. Gross and net ("usable") building area.
  - 3. Required parking and statement of parking provided.

4. Required landscape and open space area and statement of area provided.
- o. Site Plans for residential developments shall include the following additional information:
    1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.
    2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.

(Rev. 09-27-04)
    3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.
  - p. Number of employees on the largest working shift (if applicable).

(Rev. 09-27-04)
9. A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for preliminary site plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination waiver may be granted by the Planning Director based on the Natural Features Map and other applicable site information.

(09-27-04)
10. An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.

(Renumbering 09-27-04)
11. A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.

(Rev. 09-27-04)
12. A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.

(09-27-04)

13. Preliminary Floor Plans.  
(09-27-04)
14. Preliminary Building Elevations.  
(09-27-04)
15. Preliminary Grading Plans, in accordance with the City of Troy Engineering Design Standards.  
(09-27-04)
16. Preliminary tree Preservation Plan.  
(09-27-04)
17. All drawings shall be sealed and signed by a State of Michigan Professional Engineer, Registered Architect, Registered Landscape Architect, or Professional Community Planner.  
(09-27-04)

03.43.02 Included with the hard copy application shall be a CD containing an electronic version of the Preliminary Site Plan Application. Included on the CD shall be the complete application, all required drawings and any other information requested by the Planning Department. The format of the documents shall be Tagged Image Format (tif) files at a resolution of two hundred (200) dots per inch (dpi). The CD shall be clearly marked with the applicants name, contact information, project name, and date. Documents shall be in a multipage tif or individual tifs in the following order:

1. Application.
2. Topography.
3. Preliminary Site Plan.
4. Landscape Plan.
5. Preliminary Grading Plan.
6. Preliminary Building Elevations.
7. Preliminary Floor Plans.
8. Tree Preservation Plan.
9. Other information, as requested.

(05-12-08)

03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(Renumbered: 05-12-08)

1. The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval.
2. Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
  - a. The dedication of rights-of-way,
  - b. The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,
  - c. "Private Agreements" for the installation of Public Improvements, by the petitioner.
  - d. "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.
3. A current Title Commitment, indicating all parties in interest in the subject property.
4. A statement from the Landscape Analyst indicating that the Landscape Plans have been submitted approved and the related fees have been paid.

(Rev. 09-27-04)

5. Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
  - a. The water distribution system,
  - b. The sanitary sewer system,
  - c. The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
6. Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
7. The location of Fire Lanes as recommended by the Fire Department.

03.43.04 For a Preliminary Site Plan Application involving the reuse of an existing building without any significant exterior or interior modifications, including an application required for Special Use Approval, the Planning Director may waive any of the Submittal Requirements listed in Section 03.43.01. The Planning Commission may request any of the waived information if it makes a finding that the information is needed to determine compliance with Zoning Ordinance requirements.

(Rev. 03-23-09)

03.50.00 SUBDIVISIONS

03.51.00 PROCEDURE:

For procedures relating to the development of Subdivisions within the City of Troy, see Chapter 41, Subdivision Control Ordinance.

03.52.00 APPLICATIONS:

Applications relating to the platting and development of Subdivisions within the City of Troy are published forms obtainable at the City Clerk's Office. For further information as to such applications, see Chapter 41, Subdivision Control Ordinance.

03.53.00 SUBMITTAL REQUIREMENTS:

For submittal requirements relating to the platting and development of Subdivisions within the City of Troy, see Chapter 41, Subdivision Control Ordinance.

## Chapter 39 - Zoning Ordinance

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### 04.00.00     ARTICLE IV    DEFINITIONS

#### 04.10.00     GRAMMATICAL STRUCTURE:

For the purposes of this Chapter, certain terms, words and phrases shall, whenever used in this Chapter, have the meaning herewith defined as follows:

04.10.01     All words used in the present tense shall include the future; all words in the singular number shall include the plural number and all words in the plural number shall include the singular number; the word "building" includes the word "structure", and "dwelling" includes "residence"; the word "person" includes "corporation", "copartnership", "association", as well as individual; the word "shall" is mandatory and not directory.

04.10.02     Terms not herein defined shall have the meaning customarily assigned to them.

#### 04.20.00     DEFINITIONS

04.20.01     ACCESSORY BUILDING: A building, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to: horses, cattle, sheep, goats, and fowl, other than a dog house.

B. GARAGE: A building, or portion of the main building, of not less than one hundred eight (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters.

(Rev. 07-11-05)

04.20.02     ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

(07-11-05)

04.20.03     ACCESSORY SUPPLEMENTAL BUILDING: An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a swimming pool cabana, a building housing a spa or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.

- B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.
- C. GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.
- D. GREENHOUSE: A detached building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.
- E. PLAY HOUSE: A detached building designed and used for children's play.

(07-11-05)

- 04.20.04 ACCESSORY USE: A use which is supplemental and subordinate to the main use and used for purposes clearly incidental to those of the main use.

(Rev. 07-11-05)

- 04.20.04A ADULT ARCADE: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, compact discs or similar machines, or other image producing machines, (whether coin-operated, slug-operated or electronically, electrically, internet or mechanically controlled), for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(07-09-07)

- 04.20.04B ADULT BOOK STORE, ADULT NOVELTY OR RETAIL STORE OR ADULT VIDEO STORE:

1. An establishment which, as one of its principal business purposes, offers any one or more of the following for sale, rental, or viewing at the site, for any form of consideration:
  - a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed material, films, motion picture, video cassettes or video reproduction, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; and/or
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"; and/or
  - c. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as "specified sexual activities" or depicting or describing "specified anatomical areas".



2. For purposes of this section, “principal business purpose” means:
  - a. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space; or
  - b. The receipt of a significant or substantial portion of its revenues from; or
  - c. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of “specified sexual activities” or “specified anatomical areas”.
3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas”, and still be categorized as an adult bookstore, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.

(07-09-07)

04.20.04C ADULT CABARET: A nightclub, club, bar, restaurant or similar commercial establishment which features one or more of the following:

1. Person(s) who appears nude or in a state of nudity or semi-nudity;
2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”;
3. Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

(07-09-07)

04.20.04D ADULT MOTEL: A motel, hotel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this adult type of material by means of a sign, visible from the public right of way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; and/or
2. Permits patrons to be filmed or photographed performing sexually explicit activities or displaying “specified anatomical areas”, including transmission over the World Wide Web; and/or

3. Offers a sleeping room for rent for intervals of time less than ten (10) hours; and/or
4. Allows a tenant or occupant to sub-rent a sleeping room for intervals of less than ten (10) hours.

(07-09-07)

04.20.04E ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, compact discs, slides of "specified sexual activities" or depictions or descriptions of "specified anatomical areas" are regularly shown for any form of consideration.

(07-09-07)

04.20.04F ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities." This definition does not include a theater which features occasional live nude performances with serious literary, artistic, or political value and that have no adverse secondary effects.

(07-09-07)

04.20.04G ADULT USE BUSINESS: An adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishments and any business determined by the Planning Director to be an adult use, due to the activities of the business which involve characteristics of adult uses, such as nudity, semi-nudity, exposure of "specified anatomical areas" and/or "specified sexual activities". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

(07-09-07)

04.20.05 AGRICULTURE: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises, or uses, but no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of the persons residing on the premises.

04.20.07 ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

04.20.09 ALTERATIONS: The term "alteration" shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred herein as "altered" or "reconstructed".

- 04.20.10     ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals. (07-11-05)
- 04.20.11     APARTMENTS: The term "apartments" shall mean the dwelling units in a multiple dwelling as defined herein:
- A.     Efficiency Apartment: is a dwelling unit containing not over four hundred (400) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.
  - B.     One Bedroom Apartment: is a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a two room unit.
  - C.     Two Bedroom Apartment: is a dwelling containing a minimum of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
  - D.     Three or more Bedroom Apartment: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom apartment, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purposes of computing density, said three (3) bedroom apartment shall be considered a five (5) room unit and each increase in the bedroom count over three (3) shall be an increase in the room count by one (1) over the five (5).
- 04.20.12     AUTOMOBILE, ANTIQUE OR CLASSIC: An automobile that is classified as historical or is eligible to be classified as historical by the State of Michigan, which is over twenty-six (26) years old, and which is owned as a collector's item and used primarily for exhibition and educational purposes.
- (04-17-06)
- 04.20.13     AUTOMOBILE REPAIR STATION: A place where the following services may be carried out: general repair, engine re-building, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.
- 04.20.15     AUTOMOBILE SERVICE STATION: A place where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for the operation of automobiles) are retailed directly to the public on the premises; including sale of minor accessories and services for automobiles.
- 04.20.17     BASEMENT: That portion of a building which is partly or wholly below grade but is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

## Chapter 39 - Zoning Ordinance

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- 04.20.19     BOARD: The word "board" shall mean the Board of Zoning Appeals.
- 04.20.21     BUILDING: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.
- 04.20.23     BUILDING HEIGHT: The term "building height" shall mean the vertical distance as measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. When a non-residential building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. When a residential building is located on sloping terrain, the height shall be measured from the highest grade adjacent to the front of the structure to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. For residential buildings, the major or main roof over the living area shall be used to determine building height, with the following exception: when the total horizontal roof area of dormers and/or minor gables enclosing the living area exceeds twenty (20) percent of the total horizontal area of the roof to which such dormers or gables are attached, the predominant height of such dormers or gables shall be used as the basis for the determination of the building height.
- (Rev. 12-11-95)
- 04.20.25     BUILDING LINE: A line formed by the face of the building, and for the purposes of this Chapter, a minimum building line is the same as a front setback line.
- 04.20.27     BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is constructed.
- 04.20.28     CHILD CARE CENTER: An establishment in which more than six (6) children under eighteen (18) years of age are received for care and supervision from other than a parent or legal guardian for periods of less than twenty-four (24) hours a day. Such facilities are also known as Day Care Centers or Day Nurseries.
- 04.20.29     CITY COUNCIL: The City Council of the City of Troy.
- 04.20.30     CLINIC: An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.
- 04.20.31     CLUB: An organization or persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
- 04.20.32     COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

(07-29-91)

### 04.20.33 COMMERCIAL VEHICLE: PICK-UP TRUCK:

A light truck, including one with an “extended cab” or a “crew cab”, manufactured with an open body, low sides, and a tailgate. (See Figure A).



**Figure A**

(03-28-94)

### 04.20.34 COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN:

An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout. (See Figure B).



**Figure B**

(03-28-94)

### 04.20.35 DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, dredging, filling, grading or paving.

(Renumbered: 03-28-94)

### 04.20.36 DISTRICT: A portion of the incorporated area of the City of Troy within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter

(Renumbered: 03-28-94)

04.20.37 DRIVE-UP SERVICE: The term "Drive-Up Service" shall mean a business activity so developed that its retail or service character is dependent on providing a driveway approach and waiting spaces for motor vehicles so as to serve patrons in the motor vehicle rather than within a building or structure.

(Renumbered 03-28-94)

04.20.38 DRIVE-IN RESTAURANT: A "drive-in restaurant", within the meaning of this Chapter, shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food, served directly to, and permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building, except as otherwise provided within this Chapter.

(Renumbered 03-28-94)

04.20.39 DWELLING UNIT: A residential structure, or portion thereof, permanently sited on a continuous frost-free masonry foundation, containing all required plumbing, heating and electrical systems attached to the available public utilities, designed for the occupancy of one (1) family with cooking facilities.

(Rev. 06-01-92)

04.20.41 DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

04.20.43 DWELLING, ONE-FAMILY: A free standing building, permanently sited on a continuous frost-free masonry foundation, attached to all available public utilities, complying with applicable Building Codes and Zoning Ordinance provisions, and consisting of not more than one (1) dwelling unit designed exclusively for the use of one (1) family.

In order to ensure compatibility among One-Family Dwellings in the City of Troy, such dwellings shall comply with the following standards:

- A. A portion of the living area must encompass a square ground coverage area configuration of twenty-four (24) feet by twenty four (24) feet.
- B. The major portion of the roof elements shall have a pitch or slope no flatter than three and one-half (3 1/2) inches vertical for each one (1) foot horizontal.

(Rev. 06-01-92)

04.20.44 DWELLING, ONE-FAMILY ATTACHED: A building containing not less than three (3) nor more than eight (8) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

04.20.45 DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

## Chapter 39 - Zoning Ordinance

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- 04.20.46     ELDER CARE-INTERMEDIATE CARE FACILITY: A State licensed medical establishment providing accommodation and care for elderly individuals who require 24 hour per day attention or supervision (sometimes involving limited nursing care), but are not bedfast.  
  
(12-13-93)
- 04.20.46A     EMPLOYEE: A person who works or performs in and/or for an adult use business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.  
  
(07-09-07)
- 04.20.46B     ENTERTAINER: A person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.  
  
(07-09-07)
- 04.20.46C     ENTERTAINMENT: A performance of some type of activity, including, but not limited to, singing, dancing, acting, mime, comedy, recitations, demonstrations, magic tricks, modeling, posing, exhibition, with or without inanimate objects or animals, with the intent of allowing others to witness that activity in live or reproduced format.  
  
(07-09-07)
- 04.20.47     ENTRANCE RAMP: A roadway connecting a feeder road with a limited access highway and used for access on to such limited access highway.
- 04.20.49     ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
- 04.20.50     ESCORT: A person who, for consideration in any form, agrees or offers to act as a companion, guide, or date for another person, (or who agrees to privately perform as an entertainer), including but not limited to, the modeling of lingerie, the removal of clothing, and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual and that individual's guests.  
  
(07-09-07)
- 04.20.50A     ESCORT AGENCY: A person or business that furnishes, offers to furnish or advertises the furnishing of escorts as one of its primary business purposes, for a fee, tip or any other form of consideration.  
  
(07-09-07)
- 04.20.51     EXIT RAMP: A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.
- 04.20.53     ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply

or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection with, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

04.20.54 ESTABLISHMENT: In regard to an adult use business, means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult use business, to any adult use business;
3. The addition of any adult use business activities to any other existing adult use business; or
4. The relocation of an adult use business.

(07-09-07)

04.20.55 EXCAVATION: Any breaking of ground, except common household gardening and ground care.

04.20.56 FAMILY: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living on such housekeeping unit shall be considered a separate family for the purposes of this Chapter.

(Renumbered: 08-15-05)

04.20.57 FAMILY DAY CARE HOME: A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(Rev: 11-21-05)

04.20.58 FAST FOOD RESTAURANT: An establishment that provides food and beverages to patrons that is primarily designed for over-the-counter sale of ready-to-eat foods and/or beverages from a limited, standardized menu, and which does not have waiter/waitress service at dining tables; and where the food is typically paid for prior to eating. Such facilities may also sell food and beverages through a drive-up or drive-through service window.

(08-15-05)



04.20.59     FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or similar institution, including branch offices and automated teller machines.

(08-15-05)

04.20.60     FULL SERVICE RESTAURANT: An establishment that provides food and beverages to patrons who order and are served while seated (i.e. waiter/waitress service) and typically pay after eating, and that may also provide this type of service in combination with alcoholic beverages prepared, served and consumed on the premises, takeout services, limited outdoor seating/dining, or live non-theatrical entertainment.

(08-15-05)

04.20.61     FEEDER ROAD: A street or road intersecting with a limited access highway and having traffic interchange facilities with such limited access highway.

04.20.62     FLOOD:

1.     FLOOD, BASE: Means a flood which has one (1) percent chance of being equaled or exceeded in any given year. This flood is also referred as the 100-year flood and is the basis of the National Flood Insurance Program.
2.     FLOOD HAZARD AREA: (Also known as "Special Flood Hazard Area") Means any land area which on the basis of available flood plain information is subject to one (1) percent or greater chance of flooding in any given year (the 100-year flood).
3.     FLOOD BOUNDARY AND FLOODWAY MAP: Means an official map of the City of Troy issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazard have been designated as "Zone A".
4.     FLOOD INSURANCE RATE MAP: Means an official map of the City of Troy on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Troy.
5.     FLOOD PLAIN: Means any land area, normally dry, susceptible to being inundated by water from the unusual and rapid accumulation or run-off of surface waters from any source.
6.     FLOOD WAY: Means the channel of a water course and adjacent land areas which must be reserved in order to discharge the base flood.

04.20.63     FLOOR AREA:

Residential - For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and/or unenclosed porches.

(01-07-91)

Commercial Buildings - Measurement of the gross floor area shall be the sum of all the horizontal areas of all floors of the building (including malls, basements, mezzanines, atriums and service areas), as measured from the exterior faces of the exterior walls.

Office Buildings - (Other than medical office buildings) - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.) sanitary facilities, mechanical spaces, and storage areas. In the absence of detailed floor plans, the usable floor area shall be equal to eighty (80) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

Medical Office Buildings - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.), sanitary facilities, mechanical spaces and storage areas. In the absence of detailed floor plans, the usable floor area of medical office buildings shall be equal to eighty-five (85) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

04.20.64 FRONTAGE: The term "frontage" means and applies to any portion of a parcel of land abutting, touching, or bordering a street, thoroughfare, or freeway.

(02-03-92)

04.20.65 GARAGE, PRIVATE: An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.

04.20.67 GARAGE, PUBLIC: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

04.20.68 GRADE: The term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

(Renumbered: 11-21-05)

04.20.69 GROUP CHILD CARE HOME: A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(11-21-05)

- 04.20.70     HOUSING FOR THE ELDERLY: Dwelling units which, through Agreement Contract or Restriction acceptable to the City of Troy, are limited to occupancy by individuals sixty-two (62) years of age or older, or families where the head of household or spouse is sixty-two (62) years of age or older.
- 04.20.71     HOME OCCUPATION: An occupation carried on within the walls of a dwelling unit by a resident thereof, having no employees who are not themselves residents. Said occupations shall not be visible or noticeable in any manner or form from outside the walls of the dwelling and accessory structures.
- 04.20.72     A.     HOSPITAL, GENERAL: A state licensed medical establishment whose facilities provide in-patient accommodation; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons, rather than a limited scope of services provided for through special purpose hospitals; and including such related facilities as laboratories, outpatient departments, training facilities, central services, and staff offices and residences which are integral with and accessory to the principal use of the establishment.
- B.     HOSPITAL, SPECIAL PURPOSE: A state licensed in-patient medical establishment, with patient length-of-stay not to exceed ninety (90) days, dealing in a limited range of services and practices and including such related facilities as laboratories, training facilities and staff offices which are integral with and accessory to the principal use of the establishment. Specialized hospitals are those generally established for the provision of medical services such as, but not limited to, the following: podiatric care and surgery, limited surgical services including plastic surgery and psychiatric care.
- 04.20.73     INDOOR COMMERCIAL RECREATION FACILITY: An enterprise conducted entirely within a building, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, skateboard parks, climbing facilities, miniature golf courses, indoor driving ranges, batting cages, firing ranges, basketball courts, soccer fields and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.
- (04-17-06)
- 04.20.74     JUNK YARDS: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to; scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.
- (Renumbered 04-17-06)
- 04.20.75     KENNEL, COMMERCIAL: The term "kennel, commercial" shall mean any lot or premises on which more than three (3) dogs, cats, or other household pets are either permanently or temporarily boarded, bred or sold.

## Chapter 39 - Zoning Ordinance

---

- 04.20.76     LICENSEE: The individual listed as an applicant on the application for an adult use business license, or a person in whose name a license to operate an adult use business has been issued.  
(07-09-07)
- 04.20.76A   LICENSING OFFICER: The Clerk of the City of Troy or his/her designee.  
(07-09-07)
- 04.20.77     LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 04.20.79     LOT: The term "lot" shall mean a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Chapter. A lot may or may not be specifically designated as such on public records.
- 04.20.81     LOT AREA: The total horizontal area within the lot lines of a lot.
- 04.20.83     LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees.
- 04.20.85     LOT COVERAGE: That part or percent of the lot occupied by buildings, including accessory buildings.
- 04.20.87     LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- 04.20.89     LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
- 04.20.91     LOT, INTERIOR: Any lot other than a corner lot.
- 04.20.93     LOT LINE: The line bounding a lot as defined herein:
- A.     Front Lot Line: In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit.
  - B.     Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

C. Side Lot Line: Any lot line other than the front lot line or the rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

04.20.95 LOT OF RECORD: A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, at the time of inception of Ordinance 23 (December 27, 1956), or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership at the time of inception of Ordinance 23, separate from that of the remainder thereof.

04.20.97 LOT WIDTH: The straight-line distance between side lot lines, measured at the two points where the minimum building line, or set-back, intersects the side lot lines.

04.20.99 MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

04.20.101 MAIN USE: The principal use to which the premises are devoted and the principal purpose for which the premises exists.

04.20.103 MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet or greater shall be considered a major thoroughfare.

04.20.104 MANAGER: An operator, other than a licensee, who is employed by an adult use business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the adult use business.

(07-09-07)

04.20.105 MARGINAL ACCESS ROAD: A service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.

04.20.107 MASTER PLAN: The comprehensive plan including graphic and written proposals indicating the general location of streets, parks, schools, public buildings and all the physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Planning Commission and/or the City Council.

04.20.108 MEDICAL EQUIPMENT SALES AND SERVICE: A facility engaged in the retail sale and/or rental of medical equipment for home use, including the provision of related professional assistance.

(10-16-06)

04.20.109 MEZZANINE: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one third (1/3) of the floor area of such main story.

## Chapter 39 - Zoning Ordinance

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04.20.110 MOTEL: A series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

(Renumbered: 04-17-06)

04.20.111 MUNICIPALITY: The City of Troy.

(Renumbered: 04-17-06)

04.20.112 NATURAL FEATURE, SIGNIFICANT: A natural area as designated by the Planning Commission OR City Council which exhibits unique topographic, ecological, hydrological characteristics, such as a wetland, floodplain, water feature, individual trees over 10 inch diameter, woodland areas, rolling topography with pre-development grades exceeding 15%, significant views, or other unique natural features.

(Renumbered: 04-17-06)

04.20.113 NON-CONFORMING BUILDING: A building or portion thereof, existing at the effective date of Ordinance 23, or amendments thereto, that does not conform to the provisions of this Chapter relative to height, bulk, area, or yards for the district in which it is located.

(Renumbered: 04-17-06)

04.20.114 NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of Ordinance 23, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

(Renumbered: 04-17-06)

04.20.114A NUDE MODELING STUDIO: Any place where a person appears in a state of nudity or displays "specified anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.

(07-09-07)

04.20.114B NUDITY OR STATE OF NUDITY:

1. The exposure of human male or female genitals, pubic area, buttocks, anus or the areola or nipple of the female breast; and/or
2. A state of dress which fails to opaquely and fully cover human male or female genitals, pubic area, buttocks, anus or the areola or nipple of the female breast.

(07-09-07)

## Chapter 39 - Zoning Ordinance

---

- 04.20.115     NURSERY, PLANT MATERIAL: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
- (Renumbered: 04-17-06)
- 04.20.116     NURSERY SCHOOL: See Section 04.20.28 "Child Care Center":
- (Renumbered: 04-17-06)
- 04.20.117     NURSING OR CONVALESCENT HOME: Shall refer to a state licensed medical establishment providing accommodation and care for aged or informed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care.
- (Renumbered: 04-17-06)
- 04.20.118     OFF-STREET PARKING LOT: A facility other than for single family dwellings providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
- 04.20.119     OPEN FRONT STORE: A business establishment so developed that service to the patron be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations, automobile service stations, or uses involving drive-up windows or service pedestals.
- (Renumbered: 04-17-06)
- 04.20.120     OPEN SPACE: A parcel or area of land that is intended to provide light and air, and is designed for resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio-retention facilities. Open space shall not be deeded to include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic.
- (Renumbered: 04-17-06)
- 04.20.121     OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.
- (Renumbered: 04-17-06)
- 04.20.121A     OPERATOR: Includes the owner, licensee, manager, or person in charge of any premises.
- (07-09-07)

## Chapter 39 - Zoning Ordinance

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- 04.20.122     PARKING SPACE: An area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
- (Renumbered: 04-17-06)
- 04.20.122A    PEEP BOOTH: An adult motion picture theater with a viewing room or cubical of less than one hundred fifty (150) square feet of floor space.
- (07-09-07)
- 04.20.123     PERFORMANCE STUDIO: A building or a portion of a building where the principal use of the space is the provision of instruction in the various arts, including but not limited to dance, theater, music, and singing. This shall not preclude student performances.
- (04-17-06)
- 04.20.124     PERFORMANCE THEATER: A building or portion of a building where the principal use of the space is dramatic, dance, or musical performances or similar activities, in front of an audience, including performances on film, television, music video, or multimedia. Performance theaters shall include theaters, assembly halls, concert halls or similar places of assembly.
- (04-17-06)
- 04.20.124A    PERSON: An individual, proprietorship, partnership, corporation, limited liability company, association or other entity.
- (07-09-07)
- 04.20.125     PLACES OF ASSEMBLY: Places of Assembly shall include, but not be limited to, the following: Restaurants (in excess of 20 seats), Health Clubs, Fitness Clubs, Athletic Clubs, Business Schools, Colleges, Martial Arts Schools, Dance Studios, Commercial Recreation Facilities, Lecture Facilities, Social Clubs, Fraternal Organizations, Theaters and Auditoriums and uses similar to the above.
- (Renumbered: 04-17-06)
- 04.20.125A    PLANNED UNIT DEVELOPMENT: A development consisting of a combination of land uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of Article XXXV.
- (04-02-07)
- 04.20.126     PLANNING COMMISSION: The Planning Commission of the City of Troy.
- (Renumbered: 04-17-06)



04.20.127     PRE-MANUFACTURED RESIDENTIAL DWELLING UNIT: A pre-fabricated residential structure, wholly or partially constructed or fabricated off-site and transported in one or more sections, to be used as a permanent dwelling unit (See Section 04.20.39) in accordance with the Building Code and Zoning Ordinance of the City of Troy, as well as all other applicable codes, regulations and standards. Such structures shall include those commonly called Pre-Fabricated Housing, Mobile Homes and Sectional Homes.

(Renumbered: 04-17-06)

04.20.127A     PREMISES OR LICENSED PREMISES: Any premises that requires an adult use license and that is classified as an adult use business.

(07-09-07)

04.20.127B     PRINCIPAL OWNER: Any person owning, directly or beneficially: a) ten percent (10%) or more of a corporation's equity securities; b) ten percent (10%) or more of the membership interests in a limited liability company; or c) in the case of any other entity, ten percent (10%) or more of the ownership interests in the entity.

(07-09-07)

04.20.127C     PRIVATE ROOM: A room in a hotel/motel that is not a peep booth, has a bed, a bathtub, a shower, a toilet and/or a sink in the room or adjacent room, and is used primarily for lodging.

(07-09-07)

04.20.128     PUBLIC UTILITY: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(Renumbered: 04-17-06)

04.20.128A     SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(07-09-07)

04.20.129     RECREATIONAL VEHICLE: Any airplane, antique or racing automobile, boat, float, trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature.

(Renumbered: 04-17-06)

04.20.130     SETBACK: The distance required to obtain the front, side, or rear yard open space provisions of this Chapter.

(Renumbered: 04-17-06)

04.20.130A SEXUAL ENCOUNTER ESTABLISHMENT: A business or commercial establishment that as one of its primary business purposes, offers a place where two (2) or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or any activities when one or more of the persons is in a state of nudity or semi-nudity and/or permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media, for any form of consideration. A hotel/motel will not be classified as a sexual encounter establishment, by virtue of the fact that it offers private rooms for rent.

(07-09-07)

04.20.131 SHOPPING CENTER: A minimum of three commercial or service establishments within a single building served by a common parking area; or, two or more establishments within a single served by a common parking area when the gross area of the building exceeds 10,000 square feet.

(Renumbered: 04-17-06)

04.20.131A SOCIAL SERVICE FACILITY: A facility operated by an organization which provides products and services for individuals, including but not limited to training, counseling, health, or the distribution of food or clothing.

(06-15-09)

04.20.132 SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as used to show an individual firm, profession or business, and are visible to the general public:

(A) Accessory Sign: A sign which is accessory to the principal use of the premises.

(B) Non-Accessory Sign: A sign which is not accessory to the principal use of the premises.

(C) Ground Sign: A freestanding sign supported by one or more uprights, braces, or pylons located in or upon the ground or to something requiring location on the ground including "billboards" or "poster panels" so called.

(D) Projecting Sign: A sign which is affixed to any building or parts thereof, or structure, by more than twelve (12) inches. A projecting sign shall not include a ground sign as defined herein.

(E) Wall Sign: A sign attached to or placed flat against the exterior wall surface of any building, no portion of which projects more than twelve (12) inches from the wall, but which may or may not project above the roof or parapet.

(F) Roof Sign: A sign which is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.

(Renumbered: 04-17-06)

04.20.132A SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; and/or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(07-09-07)

04.20.132B SPECIFIED CRIMINAL ACTS: Sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including but not limited to, the distribution of obscenity, prostitution and/or pandering.

(07-09-07)

04.20.132C SIGNIFICANT OR SUBSTANTIAL PORTION: Means thirty (30) percent or more of the term modified by such phrase.

(07-09-07)

04.20.133 STORY: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

(Renumbered: 04-17-06)

04.20.133C SPECIFIED SEXUAL ACTIVITIES:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts: and/or
2. Sex acts, actual or simulated, including but not limited to, intercourse, oral copulation or sodomy; and/or
3. Masturbation, actual or simulated; and/or
4. Human genitals in a state of sexual stimulation, arousal or tumescence; and/or
5. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.

(07-09-07)

04.20.135 STORY, HALF: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor, does not exceed two-thirds (2/3) of the floor area in the story directly below and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'-4"). When the usable floor area of such a

story, at a height of four feet above the floor, does exceed two-thirds (2/3) of the floor area of the story directly below, it shall be counted as a full story.

04.20.137 STREET: A public thoroughfare which affords the principal means of access to abutting property.

04.20.139 STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

04.20.140 SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction or improvement of a structure, the cost of which exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, as before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building occurs, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

04.20.141 TEMPORARY USE OR BUILDING: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

04.20.143 TRAILER COACH: Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

04.20.145 TRAILER COURT: Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes are located.

04.20.146 TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT USE BUSINESS:

1. The sale, lease or sublease of the business; and/or
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; and/or
3. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

(07-09-07)

04.20.149 USE: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

04.20.151 VARIANCE: The term 'variance' shall mean a modification of the literal physical provisions of the Zoning Ordinance, which may be granted by the Board of Appeals in accordance

with the authority bestowed upon that Board by the provisions of this Chapter.

04.20.152     VETERINARY HOSPITAL: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries.

(02-28-05)

04.20.153     YARD: The open spaces on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter, and as defined herein:

- A.     Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B.     Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- C.     Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Where applicable, yard setbacks shall be measured from the Master Thoroughfare Plan Right-Of-Ways of Major Thoroughfares, as established by the Master Thoroughfare Plan adopted in accordance with Act 285, Public Acts of 1931, as amended. In these instances said Master Thoroughfare Plan Right-Of-Way line shall be considered to be the lot line.

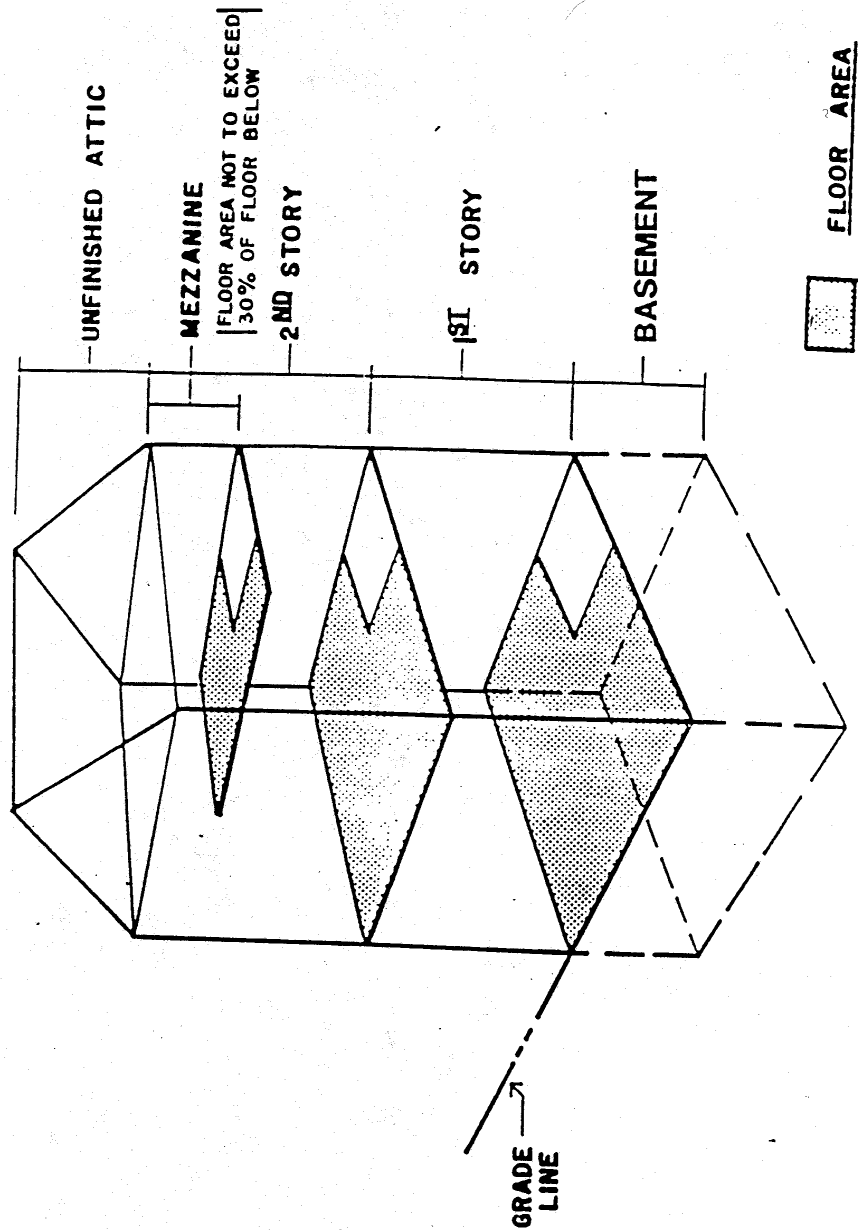
04.20.155     ELDERLY: Individuals 62 years of age or older, or a family consisting only of a husband and wife either of which is 62 years of age or older.

04.20.158     LANDSCAPING: Use of materials such as, but not limited, to grass, ground covers, shrubs, vines, hedges, or trees, and non-living durable material commonly employed in landscape development.

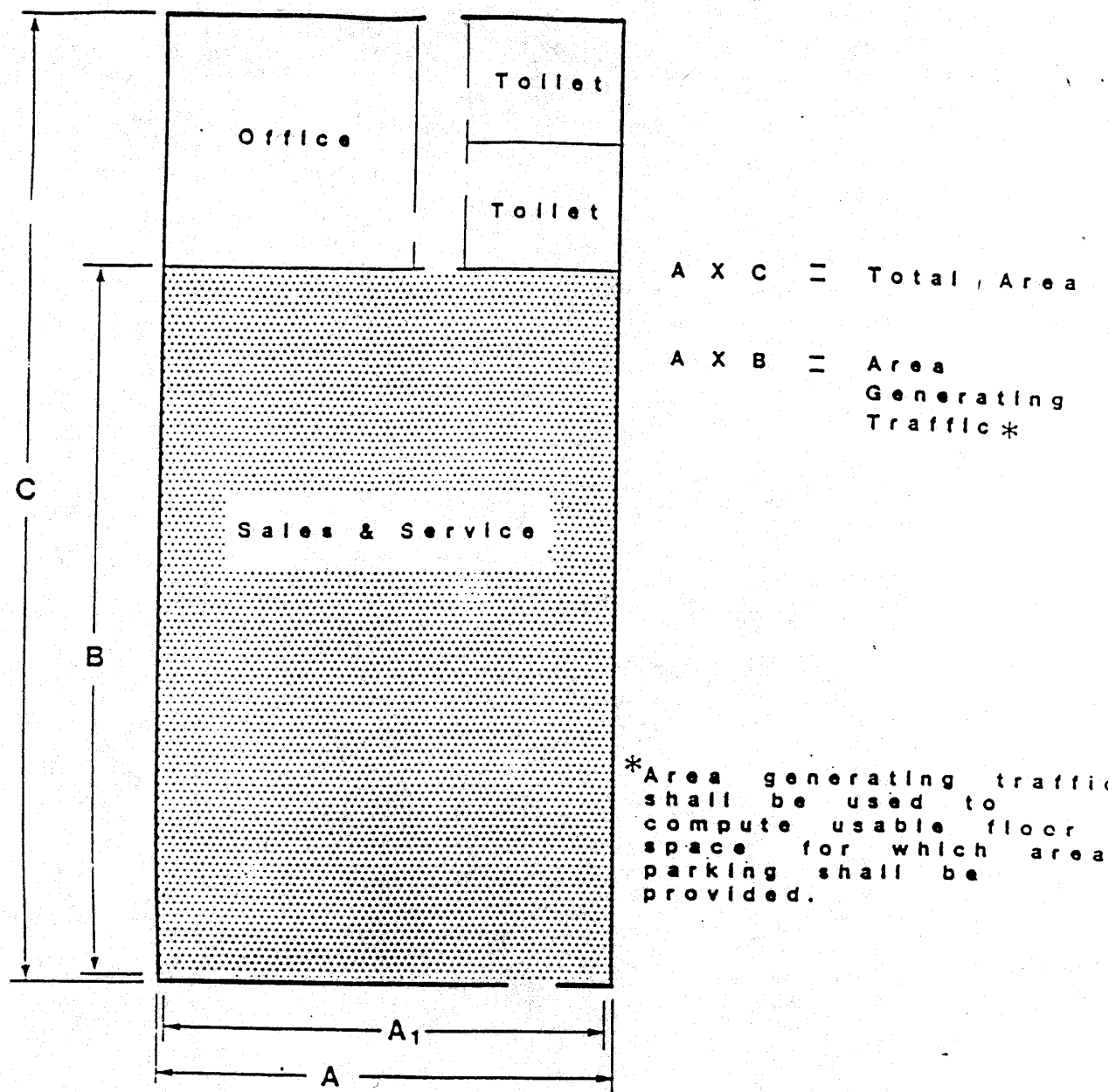
04.20.159     TREES: Self-supporting, deciduous and/or evergreen plants with a well-defined central stem or species which normally grows to a height of fifteen (15) feet or more in Southern Oakland County.

04.20.160     SHRUBS: Self-supporting, deciduous and/or evergreen woody species, normally branched near the base, bushy, less than fifteen (15 feet in height as normally grown in Southern Oakland County.

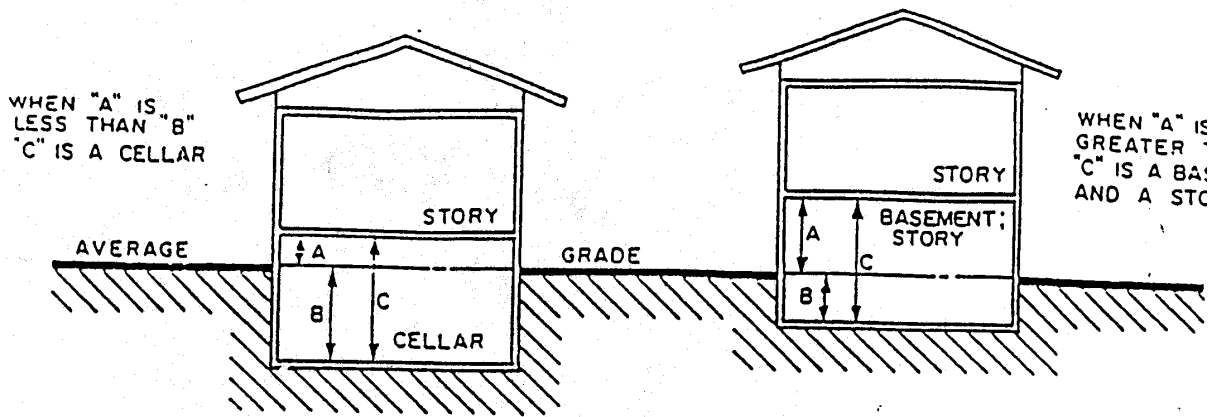
04.20.161     VEHICULAR USE AREA: An area used for storage of any and all types of vehicles, whether such vehicles are self-propelled or not, and all land areas designed to be traversed by vehicles including, but not limited to, areas related to uses such as drive-in activities such as service stations, retail stores, banks, restaurants and the like. Off-street parking lots as defined in this Ordinance and paved areas serving single-family residential dwellings are not included in this definition.



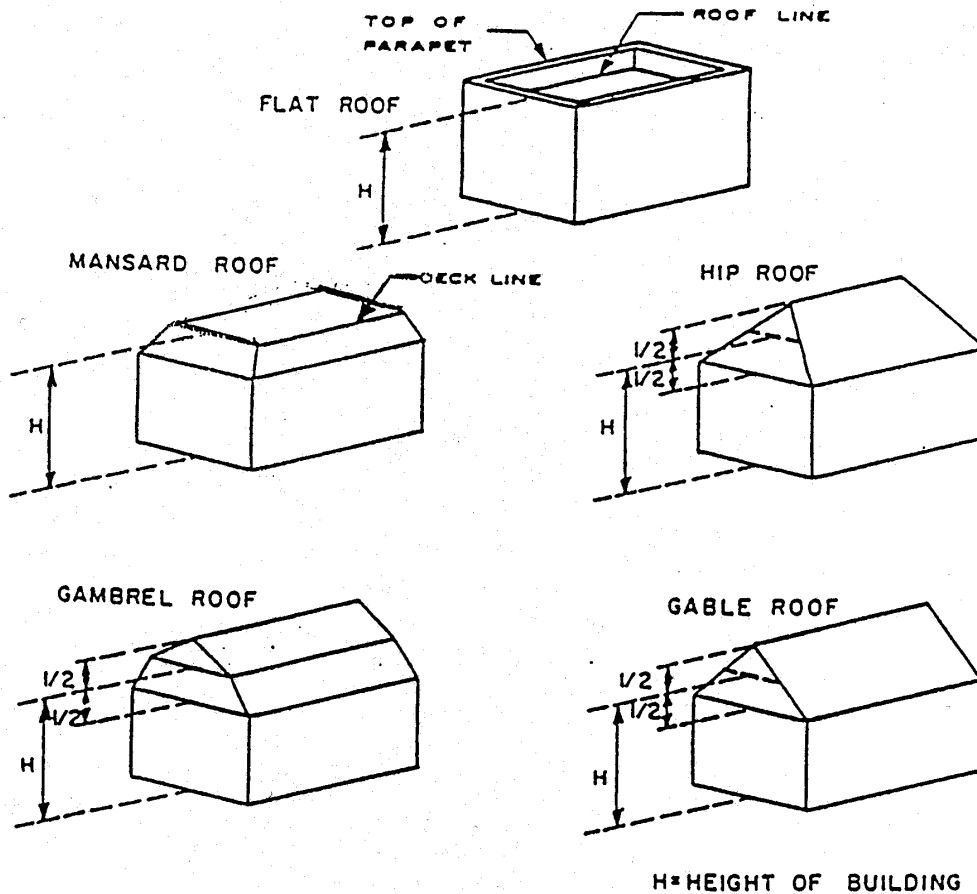
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Usable Floor Area

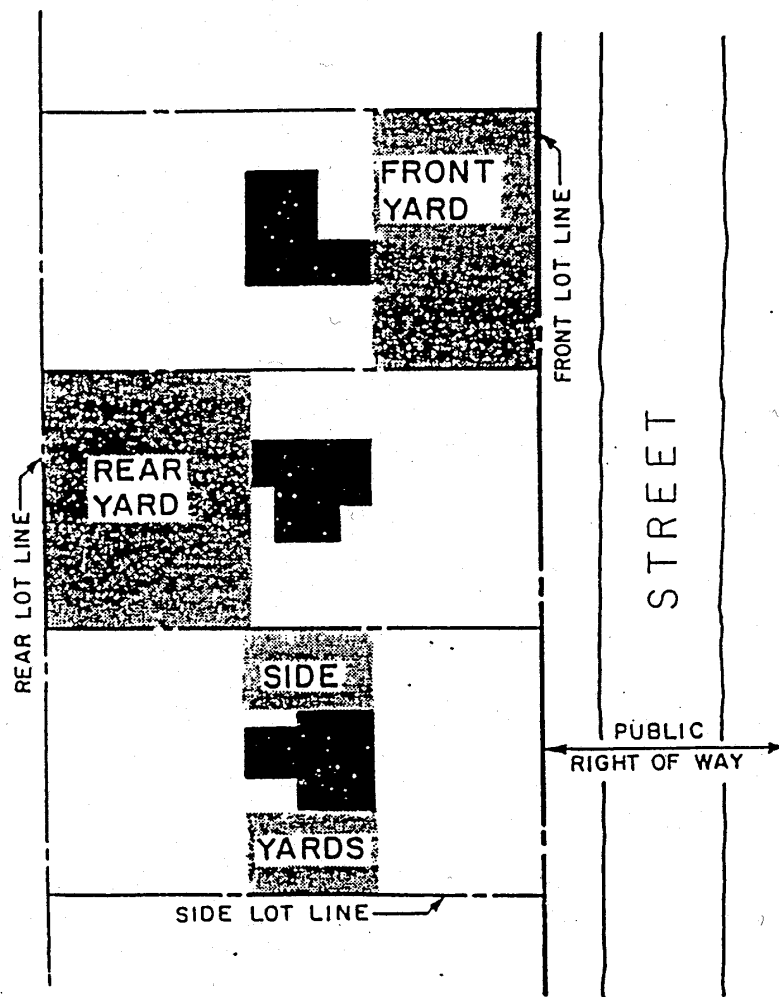


## CELLAR, BASEMENT AND STORY



## BUILDING HEIGHT

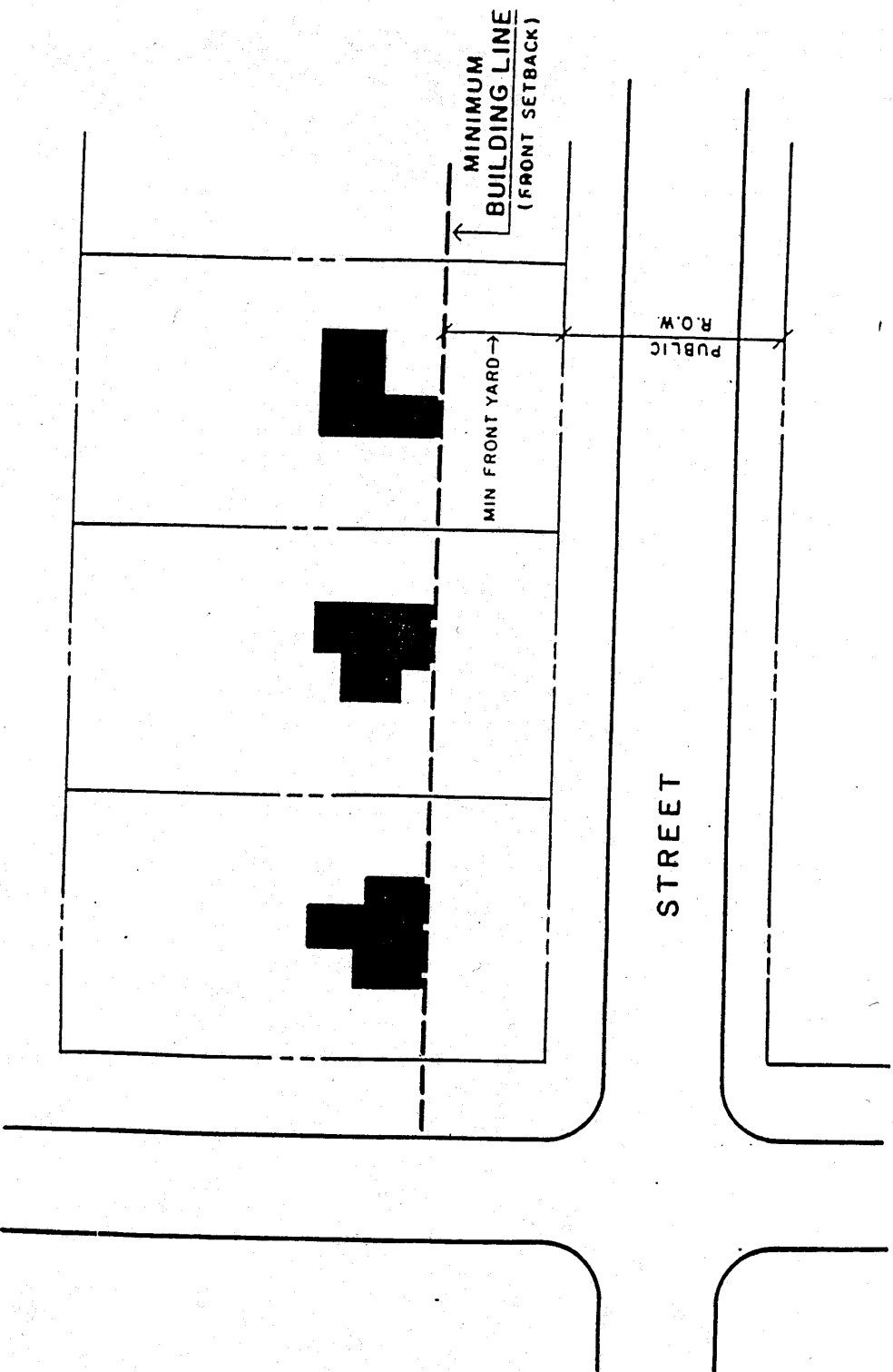


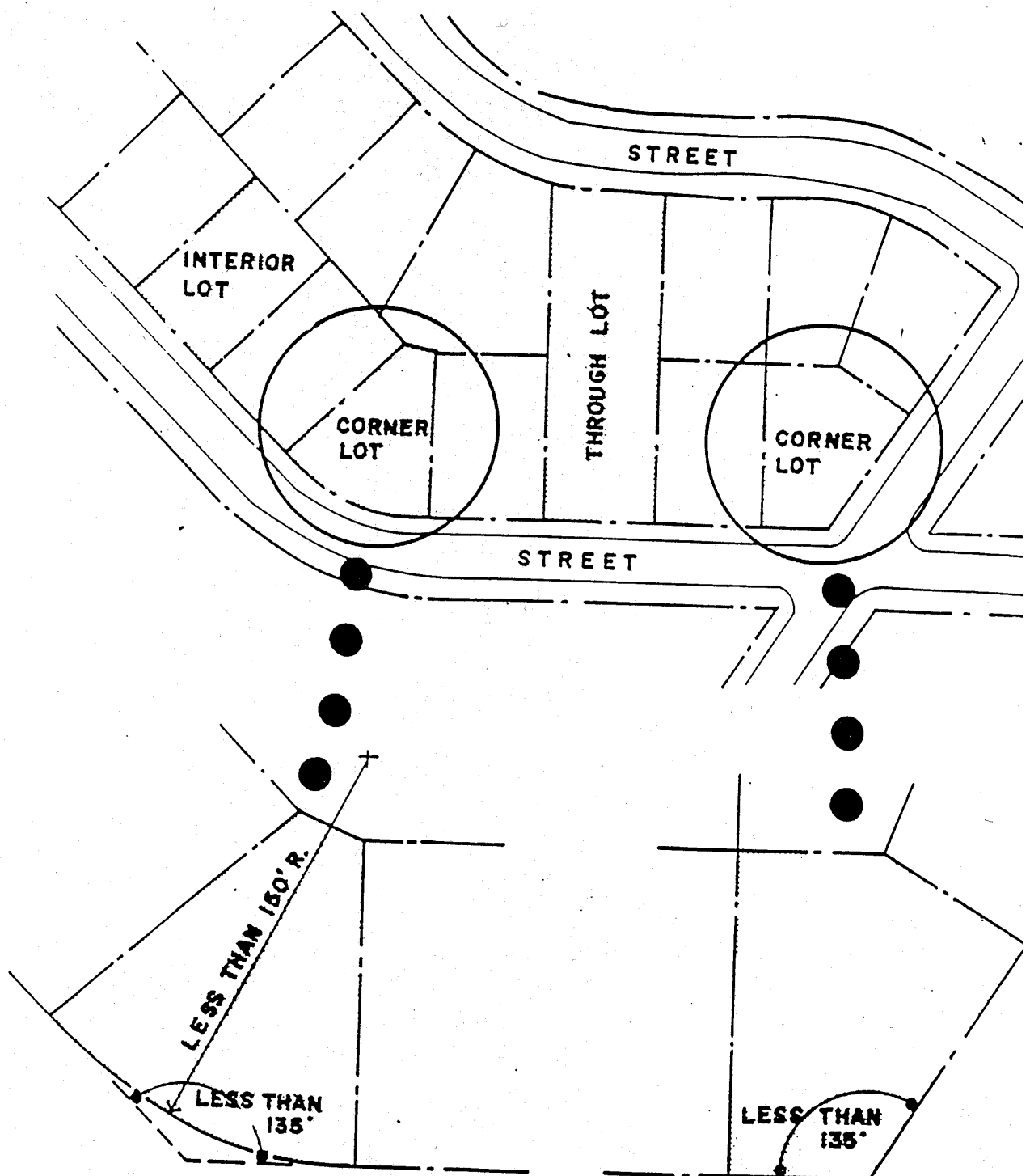


## YARDS

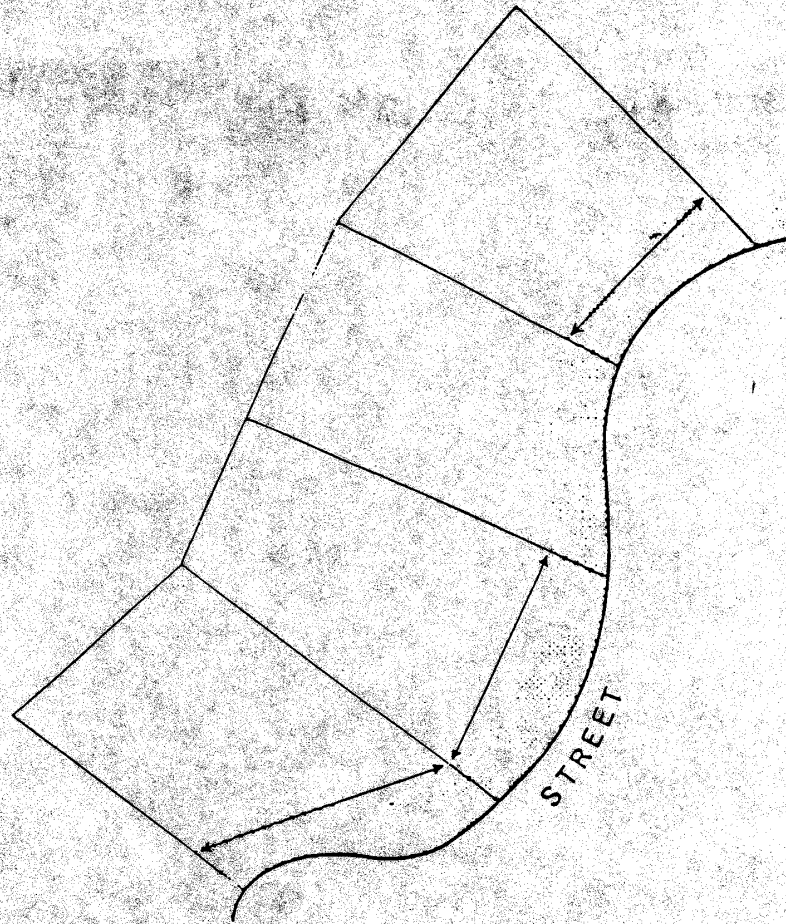
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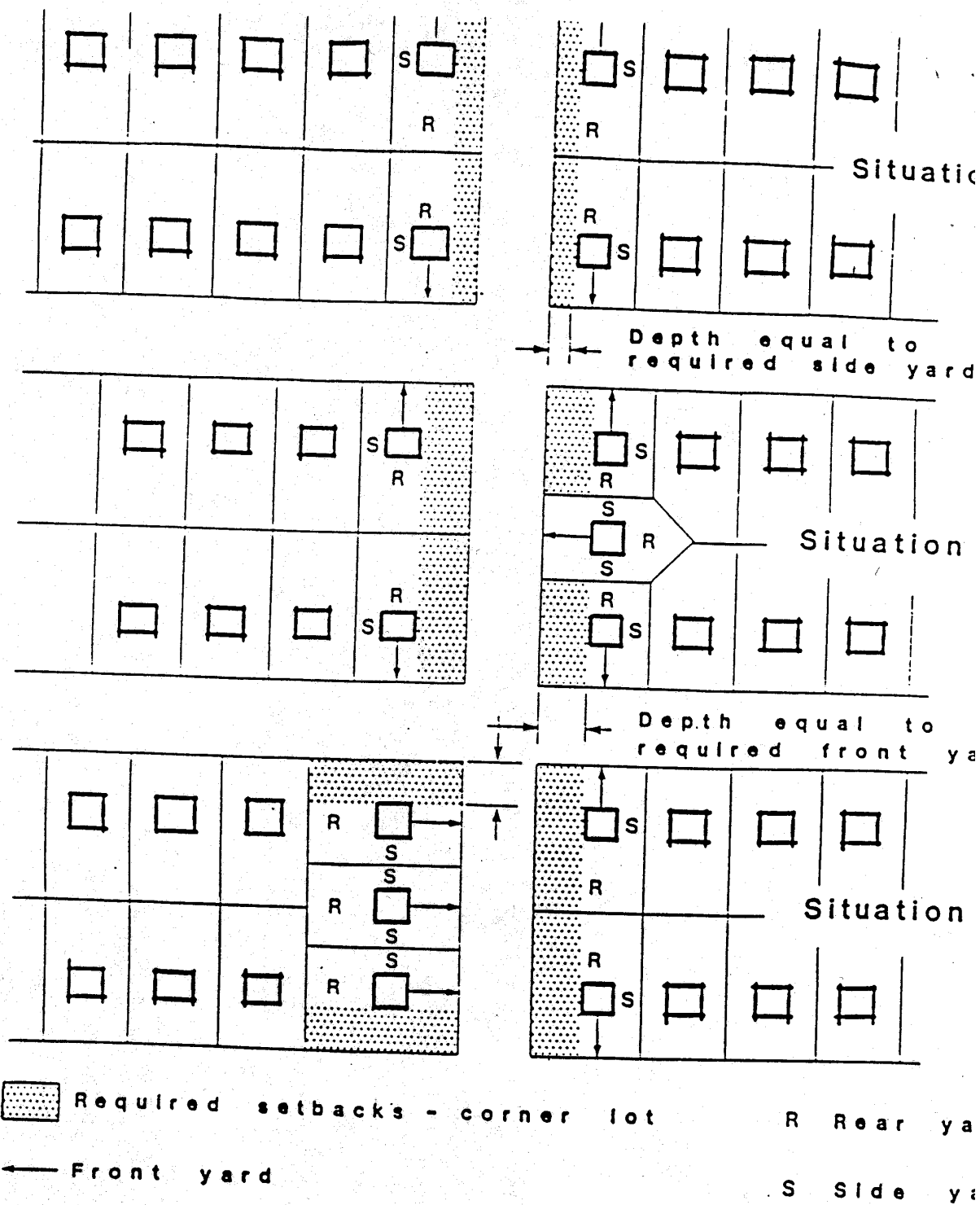


INTERIOR, THROUGH & CORNER LOTS

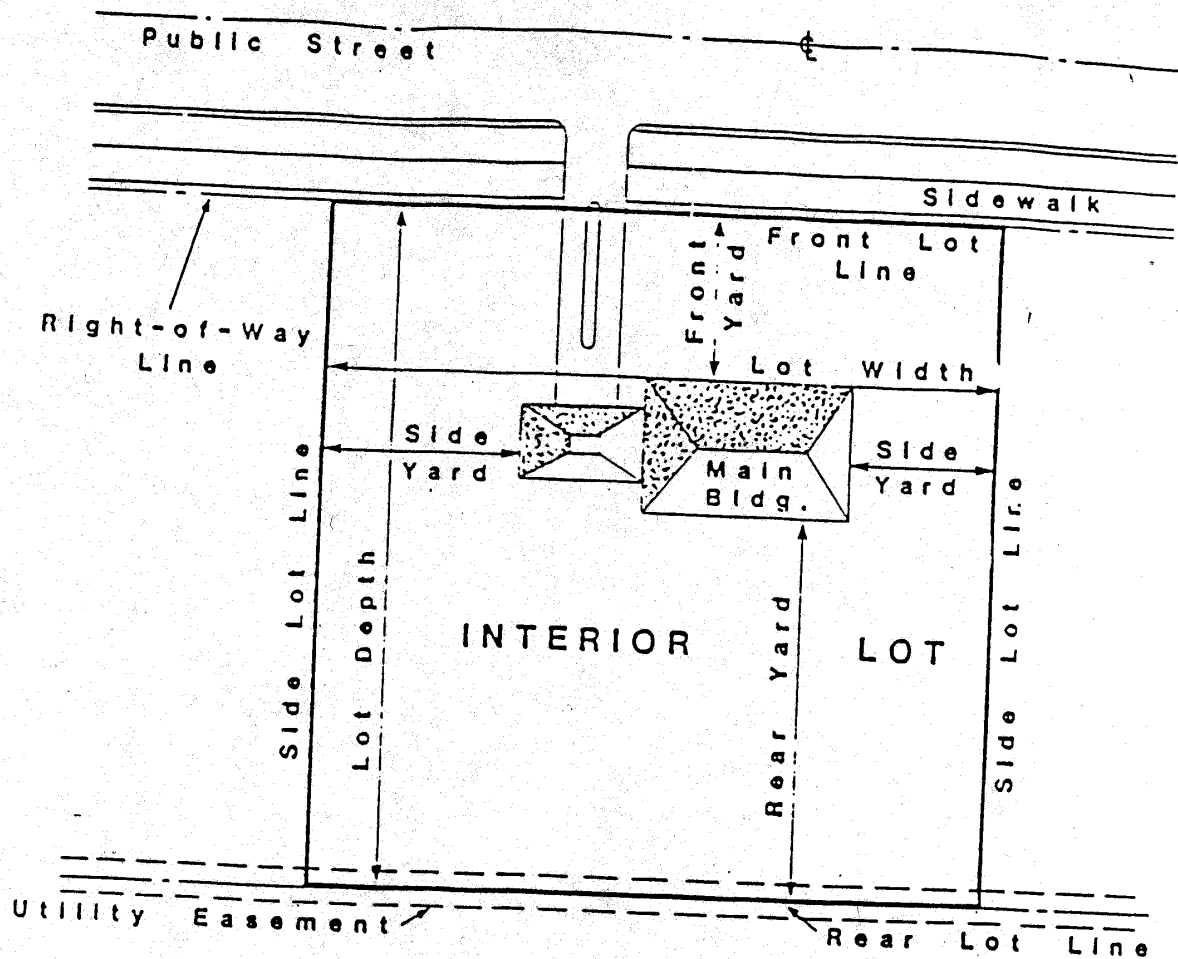


← LOT WIDTH  
[ ] MINIMUM SETBACK

## LOT WIDTH AND SETBACK



## Side Yards Abutting a Street



Lot Area = Total Horizontal Area.

Lot Coverage = Percent of Lot  
Occupied by Building.

Lot Area

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## Chapter 39 - Zoning Ordinance

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### 05.00.00 ARTICLE V ZONING DISTRICTS AND MAP

#### 05.10.00 DISTRICTS:

For the purpose of this Chapter, the City of Troy is hereby divided into the following Districts:

R-1A	One-Family Residential District
R-1B	One-Family Residential District
R-1C	One-Family Residential District
R-1D	One-Family Residential District
R-1E	One-Family Residential District
CR-1	One-Family Residential-Cluster District
R-1T	One-Family Attached Residential District
R-EC	Residential Elder Care
R-2	Two-Family Residential District
R-M	Multiple-Family Residential Medium Density
RM-1	Multiple-Family Residential District (Low Rise)
RM-2	Multiple-Family Residential District (Mid Rise)
RM-3	Multiple-Family Residential District (High Rise)
C-F	Community Facilities District
E-P	Environmental Protection District
B-1	Local Business District
B-2	Community Business District
B-3	General Business District
H-S	Highway Service District
O-1	Office Building District
O-M	Office Mid-Rise District
OSC	Office-Service-Commercial District
P-1	Vehicular Parking District
R-C	Research Center District
M-1	Light Industrial District

(Rev. 5-10-99)

#### 05.20.00 BOUNDARIES:

The boundaries of these Districts are hereby established as shown on the Zoning District Map, City of Troy Zoning Ordinance, which accompanies this Chapter, which map with all notations, references, and other information shown thereon shall be as much a part of this Chapter as if fully described herein.

- (1) Unless shown otherwise, the boundaries of the Districts are the lot lines, the center lines of streets, alleys, roads, or such lines extended, and the corporate limits of the City of Troy.



05.30.00     ZONING OF VACATED AREAS:

Whenever any street, alley or other public way within the City of Troy shall have been vacated by action of the City Council, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way automatically, and without further action of the City Council, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Chapter for such adjoining lands.

05.40.00     ZONING OF ANNEXED AREAS:

Any area annexed to the City of Troy shall, immediately upon such annexation, be automatically classified as an "R-1A" District, until a Zoning Map for said area has been adopted by the City Council. The Planning Commission shall recommend appropriate zoning for such area within three (3) months after the matter is referred to the City Council.

05.50.00     DISTRICT REQUIREMENTS:

All buildings and uses in any District shall be subject to the provisions of Article XL, General Provisions, and Article XLI, General Exceptions.

07.00.00     ARTICLE VII   ENVIRONMENTAL IMPACT STATEMENT

07.00.01     INTENT:

An Environmental Impact Statement (EIS), providing the information and data specified herein, in the form described, shall be required:

- 07.00.02     A.     Whenever a project is proposed by a public agency, or by other agencies using public funds (excluding Troy Municipal Agencies), which significantly affects the quality of the human environment; or,
- 07.00.03     B.     Whenever a project is proposed which, in the opinion of the City Manager, significantly affects the municipal service systems (transportation, waste water systems, potable water supply, storm drains, police services, fire services, library services, solid waste disposal services, emergency medical services); or,
- 07.00.04     C.     When stipulated under the terms of this Chapter or other chapters of the City Code; or,
- 07.00.05     D.     When required by the City Planning Commission in order to assist in their consideration of a particular development proposal; or,
- 07.00.06     E.     When a development proposal is submitted which, in the opinion of the Planning Commission, constitutes a substantial departure from the intent of the Master Land Use Plan.

The requirements contained herein shall not relieve the projects' sponsor from complying with EIS standards established by other public agencies having jurisdiction.

07.10.00     SUBMITTAL AND APPROVAL REQUIREMENTS:

The sponsor of the project shall submit the following to the City Manager, on behalf of the City Council:

07.11.00     PRELIMINARY ENVIRONMENTAL IMPACT STATEMENT:

A Preliminary Environmental Impact Statement shall be submitted in conjunction with requests for rezoning which enable developments which, in accordance with the provisions of this Chapter, would require such submittals. A Preliminary Environmental Impact Statement shall consist of the applicable information or material required by the following portions of this Article:

- A.     Section 07.20.00 Physical Conditions
- B.     Section 07.30.00 Project Description
- C.     Section 07.41.00 Impact Analysis: Systems, sub-section 07.41.01 through 07.41.04, inclusive.
- D.     Other Sections or sub-sections of this Article as determined by the Planning Director to be particularly important or necessary in order to provide adequate information regarding a specific rezoning or development proposal.

### 07.12.00 FINAL ENVIRONMENTAL IMPACT STATEMENT:

A Final Environmental Impact Statement, including all applicable provisions of this Article, shall be submitted in conjunction with applications for site plan approvals, special use approvals, or building permits for developments which, in accordance with the provisions of this Chapter, would require such submittals.

Prior to granting of building permits for projects covered by this Article, provisions satisfactory to the City Council shall be made to assure the financing and/or installation of all road and utility improvements and the provision of additional services found, by the Environmental Impact Statement process, to be necessary to serve the project.

### 07.20.00 PHYSICAL CONDITIONS:

- 07.20.01 A. Legal description of the subject property prepared by a registered surveyor or civil engineer accompanied by a survey map of said property. (scale 1"=100', unless otherwise provided)
- 07.20.02 B. Location Map (minimum scale 1"=800') indicating the location of the subject property in relation to the City's Thoroughfare system.
- 07.20.03 C. Land Use and General Development plan or schematic of the subject property (minimum scale 1"=200') and adjacent properties within 1,000 feet of its property line. The zoning of properties within this area should also be indicated.
- 07.20.04 D. Site conditions of the subject property (scale 1"=100', unless otherwise provided) indicating:
  - 1. Natural features such as streams, trees, bodies of water, flood plains, soil conditions and topography (maximum two (2) foot contour interval).
  - 2. Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.).
- 07.20.05 E. Limitation applicable to the development of the property (if any) as a result of proximity to airports.

### 07.30.00 PROJECT DESCRIPTION:

- 07.30.01 A. Description of intended use(s) with site plans and building elevations. Final Environmental Impact Statements shall include an architectural model, to indicate the scale and massing of buildings. The requirement for submittal of an architectural model may be waived by the City Manager, when it is determined that the proposed development will be similar to an existing development available for review, or otherwise of a nature whereby its scale, massing and potential relationship to adjacent development can readily be determined without assistance of an architectural model.
- 07.30.02 B. Calculations of the quantities of proposed elements or functions of the development by type (gross and net floor area; number of dwelling units by type and bedroom count; parking spaces required and provided; rights-of-way;

landscaped area required and provided, etc.)

07.30.03 C. Anticipated number of employees, residents, school children by school type and senior citizens).

07.30.04 D. Anticipated vehicular generation.

07.40.00 PROJECT IMPACT ANALYSIS:

A full analysis and description prepared by registered engineers, architects, public safety specialists, public facility specialists, etc., as applicable, of the proposed project's required levels of service, as compared to the service levels available, and the means by which the sponsor intends to serve the project and resolve any potential deficiencies, relative to the following facility and utility systems and services:

07.41.00 IMPACT ANALYSIS: SYSTEMS:

07.41.01 A. Thoroughfares - information should include projections of traffic volumes generated on and adjacent to the site as a result of the proposed development, and traffic improvements proposed as a result of the project to properly accommodate these volumes.

07.41.02 B. Water service facilities for supporting potable water supply, fire flows and other uses, expressed in average and peak hour needs.

07.41.03 C. Waste water systems, including average and peak hour needs.

07.41.04 D. Storm drains and retention facilities, including provisions for retention site landscaping and maintenance.

07.41.05 E. Solid waste collection, storage and disposal systems.

07.41.06 F. Power, heat and communication systems.

07.41.07 G. School facilities.

07.41.08 H. Transportation facilities and services other than private automobile. Such project impact analysis and information should take into account the potential development of adjacent areas which may be developed to similar intensities.

07.41.20 The sponsor shall present evidence that he has informed other affected organizations or agencies of the potential impact of the proposed project on their facilities and services. In this regard, receipts or other communications shall be submitted from organizations such as power and communications utilities, school districts, aeronautics authorities, etc.

07.42.00 IMPACT ANALYSIS: SERVICES:

The sponsor of the proposed development shall submit information as to the project's impact upon the following service activities, indicating the steps being taken to alleviate any potential deficiencies or problems, or to supplement municipal involvement therein.

07.42.01 Fire protection and prevention.

- 07.42.02 Public and private safety and security systems.
- 07.42.03 Emergency medical services.
- 07.42.04 Lighting on and adjacent to the site.
- 07.42.05 Recreation and leisure time facilities and activities, including library services.
- 07.43.00 IMPACT ANALYSIS: ECONOMICS:  
Overall analysis or information shall be presented indicating the public revenue benefits resulting from the proposed project, as compared to the costs in terms of services and facilities.
- 07.44.00 IMPACT ANALYSIS: NATURAL AND SOCIAL ENVIRONMENT:  
The sponsor of the proposed development shall submit information and comments which indicate public advantages unique to the proposed project, or unavailable except as a result of the project, and shall approach matters such as, but not limited to, the following:
- 07.44.01 Environmental improvements (landscaped areas, open space areas, tree preservation - replacement and enhancement, and other aesthetic benefits).
- The Environmental Impact Statement shall contain an indication of the means by which natural features such as watercourses, bodies of water, stands of trees, and individual trees apart from stands of trees, having a caliper of four (4) to ten (10) inches D.B.H., are to be preserved or replaced. Said Statement will indicate plans for the general enhancement of trees and other natural features on the site, all in compliance with Chapter 28, (Tree Regulations) and Chapter 80, (Soil Removal and Fill) of the Troy City Code, and the Landscape Design and Tree Preservation Standards established by Resolution of the City Council.
- 07.44.02 Employment opportunities.
- 07.44.03 Service opportunities.
- 07.44.04 Residential opportunities.
- 07.44.05 Recreation and leisure time opportunities.

08.00.00      ARTICLE VIII                      E-P ENVIRONMENTAL PROTECTION DISTRICT

08.10.00      INTENT:

The City of Troy, whose natural features and open space areas constitute important physical, aesthetic, recreation and economic assets, finds that the rapid growth and spread of development has had the effect of encroaching upon, despoiling and eliminating many of these natural resource areas. Further, the City of Troy finds that these natural resource areas:

- A.      Constitute an important component of the general welfare by maintaining open space, natural beauty and an irreplaceable heritage for the existing and future residents of the City of Troy;
- B.      Provide for the public safety through the prevention of damage from erosion, siltation and flooding;
- C.      Protect the mental health through the reduction of excessive noise and the physical damage associated with noise pollution; and,
- D.      Protect the public health through the generation of oxygen as well as through the absorption of air pollutants and contaminants.

Therefore, the City of Troy has enacted a series of development options and Zoning Districts which have, as a portion of their intent, the conservation, preservation and provision of open space and natural resource areas. A series of areas such as flood plain areas also exist wherein the limitation or prohibition of alteration or development is essential to the public health, safety and welfare. The intent of the E-P, Environmental Protection, District is to act in concert with these development options and Zoning Districts and to recognize other areas warranting preservation, conservation, or protection, in such a manner as to:

- A.      Provide for the protection, preservation, use and maintenance of natural resource areas, minimizing disturbance to them and to prevent damage resultant from their loss;
- B.      Protect these natural resource and open space areas for their economic support of property values when allowed to remain in an undisturbed natural state;
- C.      Provide for the paramount public concern for these natural resource areas in the interest of health, safety and the general welfare of the residents of the City of Troy; and,
- D.      Promote public health, safety and general welfare by preventing or minimizing loss or damage to property, and personal injury, due to flooding.

Finally, it is the intent of the City to provide, through the application of the E-P (Environmental Protection) District, for the establishment of landscaped areas which will serve as buffers between areas of dissimilar land use, in order to help to assure compatibility between, and maintain property values within, these areas.

(Rev. 10-07-96)

## Chapter 39 - Zoning Ordinance

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- 08.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.
- 08.20.00 PRINCIPAL USES PERMITTED:  
In an E-P, Environmental Protection District, no land, except as otherwise provided herein, shall be used except for one or more of the following uses, subject to the conditions hereinafter imposed for each use.
- 08.20.01 Conservation of open space, wooded areas, waterways, vegetation, flood plains, wetlands, and natural preserves for wildlife. Such areas shall be of sufficient area to permit their retention in an undisturbed natural state, with abutting development controlled so as to guarantee and enhance this character.
- 08.20.02 Forestry and non-commercial nursery practices, provided that such practices contribute to the enhancement of this area.
- 08.20.03 Passive recreation facilities, such as, but not limited to, walkways, bicycle paths, field trails for nature study and sitting areas; provided that such facilities are located so as to cause minimal encroachment and/or intrusion upon the natural resource areas within the subject area.
- 08.20.04 Active recreation facilities, on those sites established for open space preservation or retention purposes, and not for the preservation of significant natural features or resources.  
  
(10-07-96)
- 08.20.05 Landscaped land use buffer areas, developed in accordance with the provisions of this ARTICLE and the Landscape Design and Tree Preservation Standards as adopted by the City Council, when the E-P District is specifically enacted for this purpose.  
  
(10-07-96)
- 08.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:  
The following uses shall be permitted, subject to a determination, by the approving authority as specified in section 08.80.00, that the impact upon any significant natural features within the subject area shall be minimal; and, subject to the conditions hereinafter imposed for each use.
- 08.30.01 Non-commercial outdoor recreational facilities, such as, but not limited to, tennis and other court-type game facilities, field- type facilities, game facilities, golf, picnic shelters and swimming pools; provided that any necessary facilities or accessory buildings, structures or uses are constructed and located so as to cause minimal encroachment and/or intrusion upon any natural resource area, and to minimize any negative effects on adjacent residential properties.
- 08.30.02 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

08.40.00      LOCATION STANDARDS:

In order to achieve the intent of this District, the E-P, Environmental Protection District, may be applied to the following types of property:

08.40.01      Areas designated as "Environmental Preservation Areas" on the Master Land Use Plan.

08.40.02      Privately or publicly owned property containing significant natural assets or features.

08.40.03      Privately owned property consisting of those portions of a development area which are or will be established as open space or natural preserves under the terms of development requirements contained herein or through private actions achieving the same purpose.

08.40.04      Flood plains or flood way areas designated or specified by related City, County or Federal standards or programs.

08.40.05      Wetlands, determined by engineering and/or soil surveys, whose inherent conditions preclude development in a normal manner.

08.40.06      Privately owned property committed for use for non-commercial outdoor recreation or greenbelt buffer purposes, in conjunction with abutting properties, under the same ownership, which may be zoned in a non-residential classification.

08.50.00      DEVELOPMENT STANDARDS:

08.50.01      Lands zoned in the E-P, Environmental Protection classification, which are provided in conjunction with residential developments, shall be permitted to be used in the calculation of density for such projects, subject to applicable provisions of this Chapter. The conservation and protection of irreplaceable natural resource areas from pollution, impairment, or destruction shall remain a paramount factor in the design and implementation of such projects.

08.50.02      General maintenance of the lands and waters contained within this zoning classification shall be the responsibility of the titleholder, unless otherwise provided for by a recorded document acceptable to the City and the titleholder.

08.50.03      The City may make reasonable entry upon such areas included in this District for the purpose of making any survey, investigation or other study contemplated by this ordinance. Any investigation of any natural or artificial impairment or hazard may be made by the City, either on its own initiative, or on the written request of any three (3) titleholders of land having a real estate interest in the land wherein the impairment or potential hazard is located, or on the written request of a related property owner's association.

08.50.04      No building or structure, either permanent or temporary, shall be erected on land zoned in the Environmental Protection classification, except as otherwise provided in this Article. Any existing structure or use existing at the time of establishment of the E-P District, which is not in conformity with the provisions of the Article, may be continued subject to the general provisions for non-conforming uses or structures.

08.50.05      It is the intent of this Article that, in those instances where E-P Zoning is used for the purpose of natural feature preservation, trees, shrubs, undergrowth and the like, shall



remain in their natural state, or shall be maintained in accordance with a plan as approved in accordance with section 08.80.00, and shall be cut or removed only when such is determined to be dangerous or diseased, or when removal is necessary to carry out normal maintenance or to implement a use approved under the provisions of this Article. No permit shall be required for the removal of dead, diseased, and/or other damaged trees or woody vegetation, provided that such removal or trimming is accomplished through the use of standard forestry practices and techniques.

Any plan proposing the removal of healthy plant materials shall be subject to the approval of the Director of Parks and Recreation or his designated representative. Any site alteration, grading, filling or utility installation proposed shall be subject to the approval of the City Engineer or his designated representative. The plant material removal and site alteration actions referred to herein are not intended to include normal placement, maintenance and removal of landscape materials. The provisions of this Article are not intended to preclude grading or site alterations necessary to eliminate drainage problems or other problems or nuisance site conditions. In their consideration of such proposals or site alterations, the approving authority specified herein shall make every effort to minimize the negative effects of such actions on the related natural features, in keeping with the intent of this Article.

(Rev. 10-07-96)

- 08.50.06      Actions to remove healthy plant materials in a manner not consistent with this Article, in areas where E-P Zoning has been applied for the purpose of natural feature preservation, shall constitute a violation of this Ordinance and shall be subject to prosecution in accordance with established procedures.

(Rev. 10-07-96)

- 08.50.07      Land Use buffer areas shall be established in accordance with the following guidelines:

- A.      The areas involved shall generally have a minimum width of fifty (50) feet.
- B.      Area improvements shall generally include a landscaped berm five (5) feet in height. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.

Alternate landscape screening improvements may be accepted by the Planning Commission in conjunction with Site Plan Approval, after receiving a recommendation from the Department of Parks and Recreation.

- C.      Landscaped buffer areas established under this ARTICLE shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain these landscaped areas in such a manner, and failure to remove and replace dead and/or diseased plant materials, shall constitute a violation of this Ordinance. Financial guarantees to assure maintenance shall be deposited in accordance with standards established by the Department of Parks and Recreation, at the time of installation of landscape materials.

(Rev. 10-07-96)

08.60.00      ENVIRONMENTAL STANDARDS:

08.60.01      No alteration, modification or filling of a designated flood plain or flood way area, including the placement of paved surfaces or outdoor recreation facilities, shall be permitted without the approval of the City Engineer.

(Rev. 10-07-96)

08.60.02      No building or structure of a permanent or temporary nature, except as otherwise provided herein, shall be constructed or erected in a designated flood plain or flood way.

08.70.00      DENSITY CONTROL:

08.70.01      That portion of a flood plain, flood way, water course or body of water lying below the "ten year storm" level shall not be countable as required open space for those developments having a specific provision for same.

08.80.00      PLAN REVIEW AND APPROVAL:

Plans for facilities proposed for development, upon private lands zoned in the E-P, Environmental Protection, District shall be subject to review and approval, as follows:

- (1)      Site plans for the construction of buildings, structures, or improvements requiring building permits shall be submitted to the Planning Department for review and approval by the Planning Commission.
- (2)      Plans for the placement of improvements not requiring building permits, or for the alteration, excavation or filling of such private lands shall be subject to the review and approval of the Planning Director, who shall first obtain recommendations from the City Engineer, the Director of Parks and Recreation, and the Director of Building and Zoning, or their designated representatives. The alteration actions referred to herein are not intended to include normal placement, maintenance, and removal of living landscape materials. An applicant wishing to appeal the action of the Planning Director shall present such an appeal to the City Council for consideration and action. This appeal process shall be in lieu of that normally involving the Board of Zoning Appeals, as provided in Article XLIII of this Chapter.

Actions required under this Section shall not preclude those required by other applicable provisions of this Chapter, or by other Chapters of the City Code.

(Rev. 10-07-96)

10.00.00      ARTICLE X ONE-FAMILY RESIDENTIAL DISTRICTS

R-1A THROUGH R-1E

10.10.00      INTENT:

The R-1A through R-1E One-Family Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population.

10.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

10.20.00      PRINCIPAL USES PERMITTED:

In a One-Family Residential District (R-1A through R-1E) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

10.20.01      One-Family dwellings, as defined in Section 04.20.43.

(Rev. 06-01-92)

10.20.02      Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres; all subject to the health and sanitation provisions of the Code of the City of Troy.

10.20.03      Publicly owned and operated libraries, parks, parkways and recreational facilities.

10.20.04      Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

10.20.05      Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

10.20.06      Accessory buildings, subject to the controls of Section 40.55.00.

10.20.07      Commercial Kennels as established before January 1, 2000, and set forth in the records of the Building Department.

(Rev. 02-05-01)

10.20.08      The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with MCL 125.3506, as amended, subject to the requirements of Section 34.60.00.

(Enacted: 09-18-06; Effective: 10-01-06)

## Chapter 39 - Zoning Ordinance

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- 10.25.00     USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:  
The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.
- 10.25.01     Home Occupations, as defined in Section 04.20.71, subject to the following conditions:
- A.     In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:
    - 1.     Signs relating to any occupation or business.
    - 2.     Accessory buildings devoted primarily to the subject Home Occupation or Business.
    - 3.     Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.
    - 4.     Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.
    - 5.     Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.
- 10.25.02     Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:
- A.     The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
  - B.     For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
  - C.     The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
  - D.     The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
- 10.25.03     Adult Foster Care Facilities as defined by Section 400.703 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 206 of Act 110 of 2006 as amended (the Michigan Zoning Enabling Act).
- (Enacted: 09-18-06; Effective: 10-01-06)
- 10.25.04     The City Council may permit the temporary placement of a mobile office unit for lot and home sales on the site of a new residential development, for an initial period of twelve (12)

months. A possible six (6) month extension of this approval may be granted by the City Council. Approval of the temporary placement of a mobile sales office unit shall further be subject to the requirements of Chapter 47, Section 6.41-(3) of the City Code.

(08-08-94)

- 10.25.05 Group Childcare Homes, as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of [Date of Approval of ZOTA 214-B by City Council], shall be permitted to continue on a temporary basis not to exceed 30 days after the Troy City Council has had the opportunity to conduct a public hearing and take final action on any proposed revisions to Chapter 39, Article X, related to the regulation of Group Child Care Homes, as set forth in ZOTA 214.

(11-21-05)

- 10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:  
The following uses may be permitted in R-1A through R-1E, One-Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Planning Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such use shall also be subject to the approval of the Planning Commission.

(Rev. 07-10-00)

- 10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

- 10.30.02 Schools:

- A. Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non- profit corporations in accordance with State Law, subject to the following conditions:
  - 1. Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.

2. Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
3. The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
4. Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
5. Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such a building element shall be at least four (4) times the height of the building element. In no instance shall such a building element exceed eighty (80) feet in height. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".
6. All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially zoned property line.

10.30.03 Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories), subject to the following conditions:

- A. That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Planning Commission.
- B. Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

(Rev. 03-20-06)

- C. Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

10.30.04 Churches and other facilities normally incidental thereto, subject to the following conditions:

- A. Buildings of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed. (Rev. 07-10-00)

- B. Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- C. The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - 1. The Planning Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.
- D. One or more of the following locational criteria may be considered by the Planning Commission as a basis for approval or denial of proposals for church development:
  - 1. Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed).
  - 2. Location abutting a Freeway right-of-way.
  - 3. Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets).
  - 4. Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential dwellings.

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of single-family residential development in the adjacent area.

- E. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space. This landscaped yard area requirement related to parking areas adjacent to residentially zoned land shall apply to parking areas for which site plans were approved after July 1, 2000.

(Rev. 07-10-00)

- F. Whenever the off-street parking is adjacent to land zoned and developed or developable for residential purposes, the parking area shall be screened from that adjacent residential area by the placement of a four feet six inch (4' 6") high landscaped earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.

This landscaped berm requirement shall apply to parking areas for which site plans were approved after July 1, 2000. The screening for parking areas established or proposed for construction before that date is permitted to be in the form of a continuous obscuring wall, four feet six inches (4'6") in height, in accordance with the provisions of Article XXXIX, Environmental Provisions. This screenwall shall be provided at or adjacent to those sides of the parking area which lie adjacent to residentially zoned land. Such parking area screenwalls shall also be provided adjacent to residentially zoned land wherein the above-described landscaped berm requirement does not apply.

(Rev. 07-10-00)

- G. Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.
1. The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
  2. Parking shall be provided for such incidental use areas at one-half ( $\frac{1}{2}$ ) the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
  3. Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.
  4. Active indoor recreation facilities, such as gymnasiums, shall be located at least eighty (80) feet from any residentially zoned land, other than that which is developed or committed for uses other than the construction of residential dwellings.

(Rev. 07-10-00)

- H. All structures, appurtenances, and fixtures related to outdoor recreation purposes shall be located a minimum of one hundred (100) feet from any residentially zoned property, other than that which is developed or committed for uses other than the construction of residential dwellings.

(Rev. 07-10-00)

10.30.05 Golf courses, which may or may not be operated for profit, subject to the following conditions:

- A. The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, either existing or proposed.



- B. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- C. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- D. The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole plus one space per employee plus spaces as required under Article XL, General Provisions, for each accessory use, such as a restaurant or bar.
- E. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

10.30.06 Swimming pool clubs when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision or other specified areas within the City of Troy, for the exclusive use of the members and their guests, all subject to the following conditions:

- A. As a condition to the original granting of such a permit and the operation of such a non-profit swimming pool club, as a part of said application, the applicant shall obtain written approval from eighty five (85) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of seventy five (75) percent of the property owners within 500 feet of such a site. These written approvals shall be submitted to the Planning Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on current recorded subdivision plats of which the subject property is a part, or specifically provided for in legal agreements or documents recorded in relation to such subdivisions.
- B. Such a private non-profit swimming pool club shall be limited in its service area and membership location to a single square mile Section of the City of Troy, except where the Planning Commission shall find that the logical boundaries of the neighborhood to be served extend beyond a specified Section.
- C. Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to Non-Residential Districts. Such yards adjacent to Residential Districts shall be kept free of off- street parking, shall be landscaped in trees, shrubs, grass and terrace areas. A landscaped berm at least five (5) feet in height shall be required in all yards abutting Residential Districts. Said berms shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. All landscaping shall be maintained in a healthy condition.

- D. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- E. Whenever a swimming pool is constructed under this Section, said pool area and pool deck shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
- F. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Planning Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than automobile travel. In no instance, however, shall the off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of Article XL, General Provisions.

(Rev. 05-17-93)

10.30.07 Private non-commercial recreational areas; institutional or community recreation centers, subject to the following conditions:

- A. Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein the applicant shall obtain written approval from seventy five (75) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of fifty one (51) percent of the property owners within 300 feet of such a site. These written approvals shall be submitted to the Planning Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on the current recorded subdivision plat of which the subject property is a part, or specifically provided for in the legal agreements or documents recorded in relation to such subdivisions.
- B. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the Section within which the site is located shall have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, existing or proposed, and the site shall be so planned as to provide all egress and ingress directly onto or from said major thoroughfare.
- C. Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. The first fifty (50) feet of such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and may contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.

- D. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- E. Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall four feet six inches (4'-6") in height shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject further to the requirements of Section 39.10.00 Article XXXIX, "Environmental Provisions". Such walls may be placed at locations other than on the property lines of the site.
- F. Off-street parking shall be provided so as to accommodate not less than one half (1/2) of the member families and/or individual members. The Planning Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than the automobile. In no instance, however, shall be off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage. Off- street parking areas shall be subject further to the requirements of Article XL, "General Provisions".

10.30.08 Utility and public service buildings and uses (without storage yards) when, in the opinion of the Planning Commission, said buildings and uses:

- A. Maintain the residential character of the area, and,
- B. Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- C. Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and,
- D. Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

- E. All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.

(Rev. 10-05-98)

- F. Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land, except as otherwise provided in this Section.

(Rev. 10-05-98)

- G. A landscaped berm at least five (5) feet in height shall be required in all yards abutting Residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Planning Commission.

(Rev. 10-05-98)

- H. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.

(Rev. 10-05-98)

- I. Freestanding tower structures and antennas may be permitted only on sites which are developed or otherwise committed for use other than the construction of one-family dwellings, and shall not be permitted on developed City park sites.

(Rev. 11-12-07)

1. The setback for a freestanding tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to two (2) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.

(Rev. 11-12-07)

2. Actions to approve the construction or placement of freestanding tower structures and antennas shall be conditioned upon submittal by the applicant of financial assurances, in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

- J. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.

1. In the case of freestanding tower structures and antennas, variations from this collocation direction shall be considered only in conjunction with a report from an independent qualified and

licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the Residential Districts. These provisions are not, however, intended to include power-generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in Non-Residential Districts.

(Rev. 10-05-98)

10.30.09 Expansion of the buildings or facilities related to Commercial Kennels, as first permitted under Section 10.20.07 of this ARTICLE.

A. Expansion of such buildings and facilities shall not include an increase in the area devoted to the outdoor keeping or containment of animals.

(Rev. 02-05-01)

B. Any proposed structures or fenced areas involved in the keeping of animals shall be setback a minimum of fifty (50) feet from any property line abutting residentially zoned property.

(Rev. 02-05-01)

10.50.00 DEVELOPMENT STANDARDS:

10.50.01 See Article XXX, Schedule of Regulations, for limitations as to height and bulk of buildings, yard setbacks, and lot sizes per District.

10.50.02 See Article XXXIV, Residential Development Options, for development approaches involving varying lot size standards.

10.50.03 See Chapter 41 (Subdivision Control Ordinance) of the Troy Ordinance Code for requirements as to the platting of subdivisions.

10.50.04 See Section 40.20.00 for parking requirements.

10.50.05 See Section 39.95.00 for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

10.60.00 ENVIRONMENTAL STANDARDS:

10.60.01 A Preliminary Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for Tentative Approval of Preliminary Plats for Subdivisions involving twenty five (25) lots or more. This requirement shall also apply to subdivisions which are processed in successive parts which will total twenty five (25) lots or more.

- 10.60.02     STANDARDS:  
In order to maintain the physical and economic stability of One-Family residential areas, the following standards shall apply:
- 10.60.03     SETBACKS FROM MAJOR THOROUGHFARES:  
Whenever a lot or acreage parcel abuts a major thoroughfare as established by the Master Thoroughfare Plan adopted in accordance with Act 285, Public Acts of 1931, as amended, the yard setback abutting said major thoroughfare shall be at least fifty (50) feet from the existing or Master Thoroughfare Plan right-of-way line, whichever is greater. This ordinance does not prohibit expansion behind the fifty (50) foot setback. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.
- (Rev. 06-03-91)
- 10.60.04     VARIATION IN APPEARANCE:  
In any One-Family residential District, there shall be variation in the appearance of the One-Family detached residential dwellings, according to the following standard:
- A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling, within the same street frontage, without there being at least one other dwelling with a different elevation between the dwellings that repeat the frontage elevation.
- Different colors alone will not constitute different front elevations.
- The Section shall not apply to any dwelling for which a building permit was issued before June 2, 1983.
- 10.60.05     SCREENING FROM FREEWAY:  
Developments involving two or more one-family dwellings on parcels abutting a freeway shall include a landscaped berm at least five (5) feet in height along any property line abutting the freeway. Said berms shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.
- In instances where the grade of the freeway is more than six (6) feet above the grade of the adjacent property, a dense planting screen of upright evergreen species, at least six (6) feet in height at the time of planting, may be permitted in lieu of the described berm, in accordance with a plan approved by the Department of Parks and Recreation.
- (05-17-93)
- 10.90.00     AREA AND BULK REQUIREMENTS:  
See Article XXX, Schedule of Regulations.

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### 11.00.00      ARTICLE XI CR-1      ONE-FAMILY RESIDENTIAL CLUSTER DISTRICT

#### 11.10.00      INTENT:

The intent of the One-Family Residential Cluster District is to permit the development of residential patterns which, through design innovation, will:

- allow greater flexibility;
- encourage developers to use a more creative approach to the development of residential areas;
- encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles;
- provide a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, brooks and streams, lakes, hills, and other similar assets;
- provide for the privacy and character of single family detached homes;
- encourage the provision of open space so that benefits may accrue directly to the residents of the development;
- provide for optimum setbacks from major thoroughfares and/or freeways;
- provide for the sound physical development and handling of site situations where the normal subdivision approach would be unnecessarily restrictive.

11.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

#### 11.20.00      PRINCIPAL USE PERMITTED:

11.20.01      One-Family dwelling units (as defined in Section 04.20.43) developed according to the standards of the One-Family Residential (R-1A through R-1E) District in effect immediately prior to the application of the CR-1 District. If the previous District was other than R-1A through R-1E, the standards of the abutting or nearest One-Family Residential District shall be applicable.

(Rev. 06-01-92)

11.20.02      All other Principal Uses Permitted and as regulated in the R-1A through R-1E One-Family Residential Districts, as described in Section 10.20.00.

#### 11.30.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

11.30.01      All uses permitted and as regulated in R-1A through R-1E, One-Family Residential, Districts, as described in Section 10.30.00 of this Chapter.

11.30.02      One-Family Residential Cluster Dwelling units developed in accordance with the standards of Section 11.40.00.

11.40.00     LOCATION STANDARDS:

In order to achieve the intent of this District as indicated in Section 11.10.00, consideration of application of the CR-1 (One-Family Residential Cluster) District, and subsequently development of One-Family Residential Cluster dwelling units within such districts, shall be based upon the following locational standards:

(Rev. 05-17-93)

11.40.01     Transition Basis:

The One-Family Residential Cluster District may be applied to parcels of land which are adjacent to or abutting a major thoroughfare or freeway, and are generally parallel to said major thoroughfare or freeway, so as to provide a transition between adjacent One-Family detached housing and,

- A.     A freeway or major thoroughfare of at least 150 feet of right-of- way width, existing or proposed; or,
- B.     An intersection of two major thoroughfares, each of which has a right-of-way width of at least 120 feet, existing or proposed.
- C.     Non-residential Districts; or,
- D.     Multiple family residential Districts.

The application of the One-Family Residential Cluster District shall be generally limited to five hundred (500) feet of transition depth.

11.40.02     Topographic Condition or Environmental Basis:

The One-Family residential cluster housing District may be applied on parcels of land wherein the Planning Commission and City Council find that the parcel of property is:

- A.     Generally restrictive due to unsuitable or unbuildable soil conditions, or,
- B.     Characterized by severe topographic conditions, or,
- C.     Characterized by some other unusual physical or developmental condition, or,
- D.     Characterized by major stands of trees, streams, or other water courses which, as significant natural assets, ought to be preserved, such conditions making sound development of the site, under normal subdivision approaches, impractical.

11.40.03     In approving areas for application of the One-Family Residential Cluster District under Section 11.40.02, the Planning Commission and the City Council shall find one or more of the following conditions to exist;

- A.     The natural land forms are so arranged that the typical change of elevation within the site includes slopes of ten (10) percent or greater.
- B.     The achievement of road grades of less than six (6) percent is impossible unless the site were mass-graded.

- C. The utilization of the One-Family residential cluster housing approach will allow greater preservation of the significant natural features and natural setting.

11.40.04 On parcels of land proposed for application of the one-family residential-cluster District, under sub-Section 11.40.02, where the intent is to preserve, utilize or embellish the value of a significant natural land feature or asset, said natural feature or asset shall have a minimum horizontal area of five (5) acres. The area to be developed in one-family cluster housing shall be generally limited to five hundred (500) feet of transition depth between said natural feature or asset and the adjacent one-family detached area. The remainder of the area shall be zoned and developed in accordance with the standards of the applicable one-family residential detached (R-1A through R-1E) District.

11.40.05 Difficult Parcel Configuration Basis:

The One-Family Residential Cluster District may be applied to parcels of land, having major thoroughfare frontage, which are also physically restricted in such a manner as to make development in a conventional single-family residential manner physically unfeasible. Restrictions of this type may include, but are not limited to:

- A. Parcel dimensions or configurations such as narrow width, shallow depth, or angular boundaries, which preclude the development of typical residential street and lot patterns.
- B. Physical barriers or obstructions within the property which preclude the development of typical residential street and lot patterns.

In approving areas for the application of the One-Family Residential Cluster District under this Section, the Planning Commission and the City Council shall find that the subject property cannot reasonably be combined with abutting properties in order to enable conventional single-family residential development. They shall further find that the proposed District and its development will not interfere with the orderly development of the surrounding area, and will not be detrimental to the safety or convenience of vehicular and/or pedestrian traffic.

(04-12-99)

11.50.00 DEVELOPMENT STANDARDS:

(Rev. 05-17-93)

11.50.01 Under this Section, the attaching of One-Family homes through common party walls shall be permitted only when such common party walls are limited to one or a combination of the following characteristics:

- A. An architectural wall detail which does not form interior room space between any two units;
- B. A common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling unit, apart from garage walls;

- C. Common party walls through the garage portion of adjacent structures only.

The maximum number of units attached in the above manner shall not exceed four (4). These attached dwellings shall be typified insofar as possible by characteristics commonly associated with One-Family dwellings in the community, including the expression of individuality of each dwelling unit, privacy, a sense of spaciousness, and other characteristics that would be compatible with the residential scale of the contiguous residential areas.

- 11.50.02 Yard requirements in the One-Family cluster developments may be modified from those of the adjacent One-Family residential Districts as follows:

- A. The front yards may be reduced to not less than twenty five (25) feet.
- B. The side yards on the exterior end of attached homes shall be a minimum of fifteen (15) feet, creating at least a thirty (30) foot space between said groupings of one-family attached homes.
- C. When said groupings (maximum of four units) consist of units which are not physically attached by common walls, the combined side yards or space between individual units may be reduced to a minimum of fifteen (15) feet.
- D. All setbacks shall have the character of the natural landscape by virtue of the conservation of existing trees and existing topography and/or by the provision of landscaping that would be compatible with the natural landscape and open space.

- 11.50.03 All plans for the development of One-Family residential cluster areas shall be subject to the review and approval of the Planning Commission. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require the following:

- A. Such building and site plans shall not be approved by the Planning Commission unless in its judgment, the appropriate use of the adjoining lands are reasonably safeguarded and that such plan is consistent with the general welfare.
- B. All lots that abut major thoroughfares or freeways shall have a rear or side yard relationship to said thoroughfares, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of said thoroughfare as indicated on the Master Thoroughfare Plan.
- C. Subdivision street ingress and egress to the major thoroughfare shall be kept to a minimum.
- D. Any area to be dedicated for park, recreation or open space purposes as a result of the application of the One-Family cluster housing District shall be subject to the review and approval of the Planning Commission for minimum size, shape, location, access and character of improvements and assurance of the permanence of the open space and its continued maintenance.

- 11.50.04 The Planning Commission may require a landscaped berm, or equivalent obscuring device, at least five (5) feet high along any property line abutting a major thoroughfare. A landscaped berm at least five (5) feet in height shall be required in all yards abutting a freeway. Said berms shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. The Planning Commission shall review the design of any berm as it relates to street intersections, in order to assure that the horizontal view of oncoming traffic is not obscured.

(Rev. 05-17-93)

- 11.50.05 In submitting a proposed layout under this Section, the sponsor of the development shall include with his site plan, the proposed building elevations and floor plans, an indication of the existing and proposed public easements, topography drawn at two (2) foot contour intervals with notations of existing trees to be preserved as to size and specimen type, a survey plan of existing trees to be removed and those which are to replace the removed trees, any plans and details necessary for the improvement or development of water courses, all details relative to the proposed berm, all computations relative to acreage and density, and any other details and plans relative to the proposed development which will aid the Planning Commission in their review of the proposed development.

- 11.50.06 Principal access and circulation through One-Family Residential Cluster Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Residential Cluster Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City shall further condition the City Council's action on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements, and precluding acceptance for maintenance of the private street elements.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 05-01-00)

11.50.07 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 05-17-93)

11.60.00 ENVIRONMENTAL STANDARDS:

An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of the application for rezoning or site plan approval, whichever shall first occur, for parcels having an area of ten (10) acres or greater.

The area in open space (including subdivision recreation areas and water) accomplished through the application and development of the one-family-residential-cluster approach shall represent at least fifteen (15) percent of the horizontal area of the one-family cluster development.

Those areas indicated in the general plan of a one-family residential-cluster development, which are to be dedicated to the residents of the development for park, recreation, open space, or other uses directly related to the proposed development, shall be reviewed by the Planning Commission and the City Council shall, as a condition of approval, establish reasonable conditions as to the ownership, development, use, maintenance, etc., of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

11.70.00 DENSITY CONTROL:

On parcels of land proposed for the application of the One-Family Residential Cluster District, under sub-Section 11.40.01, where the intent is to preserve, utilize or embellish the value of a significant natural land feature or asset, said natural feature or asset shall have a minimum horizontal area of five (5) acres. The area to be developed in One-Family Residential Cluster housing shall be generally limited to 500 feet of transition depth between said natural feature or asset and the adjacent One-Family detached area. The remainder of the area shall be zoned and developed in accordance with the standards of the applicable One-Family Detached Residential (R-1A through R-1E) District.

Development of a One-Family Residential Cluster area shall result in a permitted number of dwelling units which in no case shall exceed the number of dwelling units permitted according to the following schedule. The density of the CR-1 District shall be controlled by the One-Family Residential District classifications applied to the property immediately prior to the application of the One-Family Residential Cluster District.

Prior District Gross Density Permitted  
Classification in Cluster (including roads)

R-1A 1.9 dwelling units per acre  
R-1B 2.6 dwelling units per acre  
R-1C 3.1 dwelling units per acre  
R-1D 3.8 dwelling units per acre  
R-1E 4.2 dwelling units per acre

In computing the density of the cluster development, the gross area of the cluster development, including street right-of-way, parks, recreation and open space areas shall be included in the computation of the area; provided, however, that subaqueous or submerged bottom lands of lakes or streams shall be excluded in computing the area of the parcel except when such land is substantially developed as usable open space or recreation area for the use of the residents of the proposed development.

11.80.00 SITE PLAN REVIEW:

All plans for development of One-Family Residential-Cluster areas shall be subject to the review and approval of the Planning Commission. Approval of the site plan under this Section shall be effective for a period of two (2) years. Development not completed in this period shall be considered abandoned and authorization shall expire, requiring that any proposed development thereafter be reviewed and approved by the Planning Commission. Any proposed major change in the site plan or the building elevations shall require the review and approval of the Planning Commission prior to effecting said change.

11.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 0.3.40.00.

11.90.00 AREA AND BULK REQUIREMENTS:

See Article XXX, "Schedule of Regulations".

12.00.00     ARTICLE XII   R-1T ONE-FAMILY ATTACHED RESIDENTIAL DISTRICT

12.10.00     INTENT:

The intent of the R-1T, One-Family Attached Residential District is to provide medium density residential areas, with significant open space elements, and developed in accordance with the provisions of the Condominium Act, in those areas where an environmental transition is necessary in order to preserve and enhance the desirability and stability of the subject property and the adjacent low density residential areas.

(Rev. 04-12-99)

12.10.01     Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

12.20.00     PRINCIPAL USES PERMITTED:

In the One-Family Attached Residential District, no building or land, except as otherwise provided in this Chapter, shall be erected or used except for one or more of the following specified purposes.

(Rev. 04-12-99)

12.20.01     All principal uses permitted and as regulated in the nearest R-1A through R-1E One-Family Residential Districts.

12.20.02     Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

(Rev. 04-12-99)

12.20.03     One-Family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

(Rev. 04-12-99)

12.20.04     Accessory buildings and uses customarily incidental to the above principal uses.

12.30.00     USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in R-1T Districts, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A.     The land use or activity being proposed shall be of such location, size, and character as to be compatible with the orderly development of the Zoning District in which it is situated and shall not be detrimental to the orderly development, property values, environment, or use of adjacent land and/or Districts.
- B.     The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

(Rev. 04-12-99)



- 12.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.  
(04-12-99)
- 12.30.02 Churches and other facilities normally incidental thereto, as permitted and as regulated in sub-Section 10.30.04.  
(Rev. 04-12-99)
- 12.30.03 Schools, as permitted and as regulated in sub-Section 10.30.02.  
(Rev. 04-12-99)
- 12.30.04 Childcare centers, as permitted and as regulated in Sub-Section 10.30.03.  
(Rev. 04-12-99)
- 12.30.05 Utility and public service buildings and uses, as permitted and as regulated in sub-Section 10.30.08.  
(Rev. 04-12-99)
- 12.40.00 LOCATION STANDARDS:  
In order to achieve the intent of this District, consideration of application of the R-1T. (One-family Attached Residential) District, and subsequently development of One-Family Attached Residential units within such a District, shall be based upon the following locational standards:  
(Rev. 05-17-93)
- 12.40.01 The R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:
- A. When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.
  - B. When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

### 12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 04-10-00)

12.50.02 No more than three (3) contiguous One-Family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(04-12-99)

12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements, and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 05-01-00)

- 12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. To ensure safety and convenience for pedestrians and other non-motorized users and users of all devices legally permitted on sidewalks and safety paths, sidewalk and safety path systems within the development shall be connected to existing and planned public sidewalk and safety path systems that are located outside of the development, whenever feasible, Planned safety paths are delineated on the City of Troy Transportation Plan.

(Rev. 09-27-04)

- 12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 04-12-99)

- 12.50.07 In developments that utilize public streets for providing access to units within the development, the Planning Commission may require that an internal street be connected with an existing abutting public stub street.

(09-27-04)

- 12.50.08 Developments shall maintain the following rear yard perimeter setbacks:

- A. Adjacent to R-1A or R-1B: 45 feet.
- B. Adjacent to R-1C or R-1D: 40 feet
- C. Adjacent to R-1E and all other zoning districts: 35 feet.

(09-27-04)

12.60.00      ENVIRONMENTAL STANDARDS:

(Rev. 04-12-99)

12.60.01      The nature of the R-1T (One-family Attached Residential) District enables the retention of significant natural features and the provision of significant open space and landscaped areas due to the inherent building location flexibility. The following environmental conditions are therefore required as a part of the R-1T District development:

(05-17-93)

12.60.02      Within any yard setback or area between buildings, an area equivalent to seventy (70) percent of any required yard or any required minimum area between buildings, must be landscaped and developed as usable open space or recreation area available to the residents of the proposed development, and further, said area shall be kept free of all vehicular uses. These and other open space areas on the site (excluding areas used for thoroughfare screening) shall comprise at least fifteen (15) percent of the site area.

(04-12-99)

12.60.03      When a development has a property line abutting a major thoroughfare or freeway (as indicated on the Master Thoroughfare Plan) one of the following buffer treatments shall be installed:

- A.      Along any property line abutting a major thoroughfare having an existing or planned right-of-way of no more than one hundred-twenty (120) feet, a landscaped berm at least four (4) feet in height shall be required.
- B.      Along any property line abutting a major thoroughfare or freeway having an existing or planned right-of-way in excess of one hundred-twenty (120) feet, the height of the berm described in paragraph (A) shall be increased to a minimum of five (5) feet. In addition, the top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. Additional planting shall be encouraged. In instances where the grade of the freeway is more than six (6) feet above the grade of the adjacent property, the Planning Commission may permit a dense planting screen of evergreen species, or other materials acceptable to the Planning Commission, at least six (6) feet in height at the time of planting, in lieu of the described berm.

All berms required under this Section may be included in the required yards. The area used for the berm shall be at least fifty (50) feet in width and shall involve slopes no greater than 1:4. The Planning Commission may permit modification of this berm width through the use of retaining walls or other landscape elements when such are determined to be necessary in order to make more effective use of the interior portion of the site. The design of the berm at street intersections shall be such that the view of oncoming traffic is not obscured. Such berm and landscaped areas shall be planted in grass, ground cover, or other living plant material, with no more than thirty (30) percent of the area consisting of non-living durable landscape material. The residential side of the berm shall be so

constructed as to provide adequate yard drainage meeting the requirements of the City Engineer.

(Rev. 04-10-00)

- 12.60.04 An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for rezoning or Site Plan Approval, whichever shall first occur, for parcels having an area of five (5) acres or greater.

(Rev. 04-12-99)

- 12.60.05 See Article XXXIX, "Environmental Provisions", Section 39.20.00 for additional landscaping requirements.

(Rev. 05-17-93)

- 12.70.00 DENSITY CONTROL:  
In areas zoned R-1T, the required seven thousand (7,000) square feet of lot area per dwelling unit shall refer to the gross land area, excluding the existing or proposed right-of-way of major thoroughfares as established by the Master Thoroughfare Plan.

(Rev. 04-12-99)

- 12.80.00 SITE PLAN REVIEW:  
All plans for the development of R-1T (One-Family Attached Residential) areas shall be subject to the review and approval of the Planning Commission, according to the following procedure:

- 12.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 0.3.40.00.

- 12.90.00 AREA AND BULK REQUIREMENTS:  
See Article XXX, "Schedule of Regulations", limiting the height, area, bulk and placement of buildings, and the maximum dwelling unit density permitted.

13.00.00      ARTICLE XIII                      R-2 TWO FAMILY RESIDENTIAL DISTRICT

13.10.00      INTENT:

The intent of the R-2, Two Family Attached Residential District is to provide for alternate forms of residential development within the medium density range. The District is designed primarily to accommodate the development of two- family residential dwelling units so as to provide a zone of transition between high intensity or non-residential use areas and lower density residential land use areas.

(Rev. 01-08-96)

13.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

13.20.00      PRINCIPAL USES PERMITTED:

In a Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

(Rev. 01-08-96)

13.20.01      All principal uses permitted, and as regulated in the R-1E One-Family Residential District, except as hereinafter modified.

(Rev. 01-08-96)

13.20.02      Two Family dwellings as defined in Section 04.20.45.

(Rev. 01-08-96)

13.20.03      Accessory buildings, subject to the controls of Section 40.55.00.

13.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

13.25.01      Those uses, with related conditions, as provided in Section 10.25.00 (R-1A through R-1E Districts).

(Rev. 01-08-96)

13.30.00      USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in R-2, Two Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A.      The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.

- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Planning Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Planning Commission.

(01-08-96)

- 13.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

(01-08-96)

- 13.30.02 Schools:

- A. Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

1. Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
2. Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
3. The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
4. Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
5. Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such a building element shall be at least four (4) times the height of the building element. In no instance shall such a building element exceed eighty (80) feet in height. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".
6. All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially zoned property line.

(01-08-96)

13.30.03 Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories), subject to the following conditions:

- A. That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5,000) square feet and shall be visually screened from any adjoining lot in any Residential District, in a manner acceptable to the Planning Commission.
- B. Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a Multiple Family Residential, Office or Commercial District, or within a previously established church complex.
- C. Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the Residential District within which they are located.

(01-08-96)

13.30.04 Churches and other facilities normally incidental thereto, subject to the following conditions:

- A. Buildings of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- B. Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- C. The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - 1. The Planning Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.
- D. One or more of the following locational criteria may be considered by the Planning Commission as a basis for approval or denial of proposals for church development:
  - 1. Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed).
  - 2. Location abutting a Freeway right-of-way.



3. Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets).
4. Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential or Two-Family dwellings.

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of residential development in the adjacent area.

- E. Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- F. Whenever the off-street parking is adjacent to land zoned for residential purposes, a continuous obscuring wall, four (4) feet six (6) inches in height, shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be subject to the provisions of Article XXXIX, Environmental Provisions.
- G. Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.
  1. The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
  2. Parking shall be provided for such incidental use areas at 1/2 the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
  3. Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.

(01-08-96)

13.30.05 Utility and public service buildings and uses (without storage yards) when, in the opinion of the Planning Commission, said buildings and uses:

- A. Maintain the residential character of the area, and,
- B. Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- C. Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and

- D. Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

1. All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.
2. Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land.
3. A landscaped berm at least five (5) feet in height shall be required in all yards abutting Residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Planning Commission.
4. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
5. Freestanding tower structures and antennas up to sixty (60) feet in height may be permitted. Freestanding tower structures and antennas in excess of sixty (60) feet in height may be permitted only on sites which are developed or otherwise committed for use other than the construction of one-family or two-family dwellings.
6. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, co-location, or the provision of more than one utility facility at a single location, shall be encouraged by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of co-location at proposed sites.

Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the Residential Districts. These provisions are not, however, intended to include power generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in Non-Residential Districts.

(01-08-96)

13.40.00     LOCATION STANDARDS:

In order to achieve the intent of this District, consideration of application of the R-2 (Two Family Attached Residential) District, and subsequently development of Two Family Residential units within such districts, shall be based upon the following locational and development standards:

13.40.01     LOCATION:

The R-2 (Two Family Attached Residential) District may be applied when one or more of the following conditions prevail:

- A.     When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density residential.
- B.     When planning studies indicate that the location and property configuration involved could most reasonably be developed through the application of this District, and that such application would carry out the intent of this District and be within the limitations imposed by existing and/or planned public facilities and services.

13.50.00     DEVELOPMENT STANDARDS:

13.50.01     See Article XXX, Schedule of Regulations, for limitations as to height and bulk of buildings, yard setbacks, and lot size.

13.50.02     See Section 40.21.00 for parking requirements.

13.50.03     See Section 39.95.00 of the General Provisions for standards and regulations applicable to the construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

13.90.00     AREA AND BULK REQUIREMENTS:

See Article XXX, Schedule of Regulations.

14.00.00      ARTICLE XIV              R-M MULTIPLE FAMILY RESIDENTIAL MEDIUM  
DENSITY DISTRICT

14.10.00      INTENT:

The intent of the R-M, Multiple Family Residential-Medium Density District, is to provide for alternative forms of residential development within the medium density range. This District can provide significant open space elements necessary to establish environmental transitions which will enhance the residential desirability and stability of the subject properties and adjacent low density residential areas.

14.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

14.20.00      PRINCIPAL USES PERMITTED:

In the R-M District, no building or land, except as otherwise provided in this Chapter shall be erected or used except for one or more of the following uses and shall be permitted subject to the review and approval of the site plan by the Planning Commission.

14.20.01      All principal uses permitted, and as regulated in the nearest R-1A through R-1E, One-Family residential districts.

14.20.02      All principal uses permitted in and as regulated by the R-1T, One-Family attached residential District.

14.20.03      Multiple family dwellings (2 stories or less).

14.20.04      Accessory buildings and uses customarily incidental to the above permitted uses.

14.30.00      USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

(Rev. 04-12-99)

14.30.01      See Section 12.30.00

(Rev. 04-12-99)

14.40.00      LOCATION STANDARDS:

14.40.01      The standards established in Section 12.40.00 shall apply.

14.50.00      DEVELOPMENT STANDARDS:

14.50.01      The conditions established in sub-Sections 12.50.01, 12.50.04 and 12.50.05 shall apply.

(Rev. 04-12-99)

14.50.02      In an R-M District, the maximum horizontal length of any one building shall be one hundred eighty (180) feet measured along any single front, side, rear or other exterior wall elevation.

## Chapter 39 - Zoning Ordinance

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- 14.50.03 The minimum distance between buildings shall be regulated by the formula established in Section 31.30.00 (C), and in no instance shall this distance be less than forty (4) feet.
- (Rev. 05-17-93)
- 14.50.04 Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.
- (Rev. 05-17-93)
- 14.60.00 ENVIRONMENTAL STANDARDS:
- 14.60.01 The conditions established in Section 12.60.00 shall apply.
- 14.70.00 DENSITY CONTROL:
- 14.70.01 In areas zoned R-M, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining or sanitary facilities) shall not be more than the net site area of the parcel, in square feet, divided by two thousand two hundred (2200). Further, the dwelling unit density within an R-M District shall not exceed ten (10) dwelling units per acre. All units shall have at least one (1) living room and one (1) bedroom except that not more than ten (10) percent of the units may be of efficiency apartment type.
- 14.70.02 In an R-M District, the area used for computing density (net site area) shall be the total site area exclusive of existing or proposed rights-of-way of major thoroughfares as established by the Master Thoroughfare Plan.
- 14.70.03 For room assignments by type of unit, see Section 31.30.00 (B).
- 14.80.00 SITE PLAN REVIEW:  
All plans for the development of property zoned R-M shall be subject to the review and approval of the Planning Commission.
- (Rev. 05-17-93)
- 14.80.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.
- 14.90.00 AREA AND BULK REQUIREMENTS:  
See Article XXX, Schedule of Regulations, for regulations of yards, height, area, bulk, placement of buildings and maximum density.

15.00.00     ARTICLE XV   RM-1 MULTIPLE FAMILY LOW RISE RESIDENTIAL DISTRICT

15.10.00     INTENT:

The RM-1, Multiple Family Residential Low Rise, District is designed to provide sites for multiple family dwellings and their related uses, which are compatible with an urban character while serving as transitional zones between areas of higher and lower intensity of development. The RM-1 District is further provided to serve the limited need for apartment type dwelling in an otherwise low-density, single-family community.

15.10.01     Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

15.20.00     PRINCIPAL USES PERMITTED:

In the RM-1 Districts, no building or land, except as provided in this chapter, shall be erected or used except for one or more of the following purposes, and shall be permitted subject to the review and approval of the development plan by the Planning Commission. Such review is required in order to insure that the proper relationships exist between the development features and traffic safety, utility service, driveway and parking areas, and open space areas; and to minimize the possibility of adverse effects upon adjacent property.

15.20.01     All principal uses permitted in the R-2 Family Residential District with the lot area, yards and floor area requirements equal to at least the requirements of the immediately abutting one-family residential District.

15.20.02     Multiple Family Dwellings (Two Stories or Less).

15.20.03     Accessory Buildings and Uses Customarily Incident to the Above Uses.

15.25.00     USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions imposed for each use, and subject to the review and approval of the Planning Commission.

15.25.01     Nursery Schools, Day Nurseries, and Child Care Centers (not including dormitories): Provided that for each child so cared for there is provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a minimum area of at least five thousand (5000) square feet and shall be fenced and screened from any adjoining residential lands with plantings or screening fence of a nature acceptable to the Planning Commission.

15.25.03     Housing for the elderly, when the following conditions are met:

A.     Conventional apartment or cottage-type dwelling units:

1.     Shall be provided as a planned development having a site area of at least five (5) acres (net of street rights-of-way).
2.     Two (2) story maximum building height.
3.     All dwelling units shall contain at least three hundred fifty (350) square feet of floor area (not including kitchen and sanitary facilities).

4. Total coverage of all buildings, including related service buildings, shall not exceed twenty five (25) percent of the net site area.
- B. Congregate housing (involving individual apartments with bath and kitchen facilities, as well as communal dining and kitchen facilities providing full meal service to the residents, with direct internal connection to the dwelling units):
1. Shall be provided as a planned development having a site area of at least five (5) acres (net of streets rights-of-way).
  2. All dwelling units shall contain at least three hundred fifty (350) square feet of floor area (not including kitchen and sanitary facilities).
  3. Total coverage of all buildings, including related service buildings, shall not exceed twenty five (25) percent of the net site area.
  4. Buildings may be permitted to exceed the maximum length established under Section 15.40.21, subject to the following conditions:
    - a. No portion of a building face shall exceed two hundred (200) feet in length, except after the provision of a horizontal building face offset of at least thirty (30) feet in depth. With such an offset, the maximum building elevation length can be increased to four hundred (400) feet.
    - b. Building elements in excess of two hundred (200) feet in length can further be inter-connected by a building element having a minimum width of fifty (50) feet, which also varies by a minimum of one (1) story in height from building elements on either side. In conjunction with these standards, the total building complex can have no elevation exceeding six hundred (600) feet in length.
- Congregate housing developments involving additional building length, as prescribed in Paragraph (4) above, shall also be subject to the review and approval of the City Council, in order to assure that such developments will be compatible with, and thus not negatively impact adjacent residential properties.
- C. Site and building plans submitted in conjunction with Housing for the Elderly developments shall include plans indicating how the site and buildings can be modified to conform with all applicable Zoning Ordinance requirements, in the event that the development is converted to conventional (non-housing for the elderly) apartment use.
  - D. Housing for the Elderly developments shall include safety and security provisions conforming with Chapter 87 of the City Code.

- 15.25.04 Convalescent Homes, not to exceed a height of two (2) stores, when the following conditions are met:
- A. The site shall be developed so as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than eight hundred (800) square feet of land area. Within this are, a minimum of three hundred (300) square feet per bed of contiguous open space shall be provided, apart from areas required for vehicular uses.
  - B. No building shall be closer than fifty (50) feet from any property line.
  - C. Obscuring walls shall be provided adjacent to off-street parking areas and vehicular use areas in accordance with the provisions of Article XXXIX, "Environmental Provisions".
- 15.25.06 Accessory Buildings and Uses Customarily Incident to the Above Permitted Uses.
- 15.40.00 LOCATION STANDARDS:  
In order to achieve the intent of this District, consideration of application of the RM-1 zoning District, and subsequently, development of primarily low rise multiple family residential dwellings shall be based upon the following locational and development standards.
- 15.40.01 The RM-1 District may be considered for application when such application is consistent with the intent of the Master Land Use Plan and the area involved is therefore designated for high density multiple residential development.  
  
(Rev. 05-17-93)
- 15.50.00 DEVELOPMENT STANDARDS:  
  
(Rev. 05-17-93)
- 15.50.01 In an RM-1 District, the maximum horizontal length of any one building shall be one hundred eighty (180) feet measured along any front, side, rear or other exterior elevation.  
  
(Rev. 05-17-93)
- 15.50.02 Within any yard setback or area between buildings, an area equivalent to seventy (70) percent of any required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.  
  
(Rev. 05-17-93)
- 15.50.03 All units that abut a major or secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.



15.50.04 Principal access and circulation through Multiple-Family Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. The pavement for such streets shall be a minimum of twenty-eight (28) in width, with the following exception: The Planning Commission may determine, based upon the scale of the development, the design of the street system, and the potential traffic volume carried by the collector street of that development, that the subject collector street must have a minimum pavement width of thirty-six (36) feet. Secondary access and circulation through Multiple-Family Residential Developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a Multiple-Family Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 05-01-00)

15.50.05 See Section 40.20.00 of the General Provisions for the standards and regulations applicable to construction of buildings and use in this District when the site falls within a designated Flood Hazard Area.

(Rev. 05-17-93)

## Chapter 39 - Zoning Ordinance

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15.50.06 See Section 31.30.00 (C) for building spacing requirements.

(Rev. 05-17-93)

15.50.07 See Section 40.21.01 for parking standards.

(Rev. 05-17-93)

15.50.08 See Section 39.10.00 for screening wall requirements.

(Rev. 05-17-93)

### 15.60.00 ENVIRONMENTAL STANDARDS:

15.60.01 A landscaped berm, or equivalent screening device, at least five (5) feet in height, shall be required along any property line abutting a major thoroughfare as indicated on the Master Thoroughfare Plan. This berm may be included in the required yards. The slopes of the berm shall be gentle enough so as not to erode when planted in grass, trees and shrubs; and the design of the berm at street intersections shall be such that the view of oncoming traffic is not obscured. Such berm and landscape areas shall be planted in grass, ground cover, or other living plant material, with no more than thirty (30) percent of the area consisting of durable non-living landscape material.

15.60.02 See Article XXXIX "Environmental Provisions", Section 39.30.00 for additional landscape requirements.

15.60.03 An Environmental Impact Statement, according to the provisions of Article VII of this chapter, shall be submitted as a part of the application for rezoning or site plan approval, whichever shall occur first, for parcels having an area of ten (10) acres or more.

### 15.70.00 DENSITY CONTROL:

15.70.01 In an RM-1 District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the net area of the parcel, excluding existing or proposed rights-of-way of major thoroughfares, in square feet, divided by one thousand six hundred (1600). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of the efficiency apartment type.

15.70.02 For room assignments, see Section 31.30.00 (B)

(Rev. 05-17-93)

### 15.80.00 SITE PLAN REVIEW:

All plans for the development of RM-1 District areas shall be subject to the review and approval of the Planning Commission, according to the following procedure:

(Rev. 05-17-93)

15.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

## **Chapter 39 - Zoning Ordinance**

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- 15.80.03      Site improvements and utilities shall be constructed in accordance with the standards established by the City Engineer.
- 15.90.00      AREA AND BULK REQUIREMENTS:  
See Article XXX, "Schedule of Regulations".

16.00.00     ARTICLE XVI RM-2 MULTIPLE FAMILY MID-RISE RESIDENTIAL DISTRICT

16.10.00     INTENT:

The RM-2, Multiple Family Mid-Rise Residential, District is designed to provide sites for high density multiple family dwellings in mid-rise structures adjacent to and more compatible with the high intensity development occurring in the major office, commercial and civic development areas. This District is further provided to serve the residential needs of persons desiring apartment type living in areas proximate to major employment centers. This District is also designed to provide a zone of transition between areas of higher and lower intensities of development. The form of development permitted is further intended to enable low land coverage and thus enabling more open space and desirable residential environment

16.10.01     Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

16.20.00     PRINCIPAL USES PERMITTED:

In the RM-2 District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes, and shall be permitted subject to the review and approval of the development plan by the Planning Commission. Such review is required in order to insure that the proper relationships exist between the development features and traffic safety, utility service, driveway and parking areas, and open space areas; and to minimize the possibility of adverse effects upon adjacent property.

16.20.01     Multiple family dwellings as permitted and regulated in Article XV.

16.20.02     Multiple family dwellings occurring in mid-rise structures (3 to 8 stories), on sites having minimum area of five (5) acres, as regulated by the standards contained herein.

16.20.03     Accessory buildings and uses customarily incident to the above permitted uses.

16.25.00     USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions imposed for each use, and subject further, to the review and approval of the Planning Commission.

16.25.02     Business uses may be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from exterior view. Such businesses and services shall not exceed twenty-five (25) percent of the floor area at grade level or fifty (50) percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first or grade level. No identifying signs for any such business or service use shall be visible from any exterior view.

16.25.03     Housing for the elderly, when the following conditions are met:

A.     Conventional apartment dwelling units.

1.     Construction shall be subject to the requirements of this District as to standards for development and density.

2. All dwelling units shall contain at least three hundred fifty (350) square feet of floor area (not including kitchen and sanitary facilities).
  3. Total coverage of the site by all buildings, main and accessory, shall not exceed twenty five (25) percent of the net site area.
- B. Congregate housing in low-rise buildings not to exceed three (3) stories in height. Such buildings will involve individual apartments with bath and kitchen facilities, as well as communal dining and kitchen facilities providing full meal service to the residents, with direct internal connection to the dwelling units.
1. All dwelling units shall contain at least three hundred fifty (350) square feet of floor area (not including kitchen and sanitary facilities):
  2. Total coverage of all buildings, including related service buildings, shall not exceed twenty five (25) percent of the net site area.
  3. Buildings may be permitted to exceed the maximum length established under Section 16.50.24, subject to the following conditions:
    - a. No portion of a building face shall exceed two hundred (200) feet in length, except after the provision of a horizontal building face offset of at least thirty (30) feet in depth. With such an offset, the maximum building elevation length can be increased to four hundred (400) feet.
    - b. Building elements in excess of two hundred (200) feet in length can further be inter-connected by a building element having a minimum width of fifty (50) feet, which also varies by a minimum of one (1) story in height from the building elements on either side. In conjunction with these standards, the total building complex can have no elevation exceeding six hundred (600) feet in length.
    - c. Congregate housing developments involving additional building length, as prescribed in Paragraph (3) above, shall also be subject to the review and approval of the City Council, in order to assure that such developments will be compatible with, and thus not negatively impact adjacent residential properties.
- C. Congregate housing within buildings in excess of three (3) stories in height shall conform with the requirements of this District, as modified only by the provisions of Section 16.25.03-(A) above.
- D. Site and building plans submitted in conjunction with Housing for the Elderly developments shall include plans indicating how the site and buildings can be modified to conform with all applicable Zoning Ordinance requirements, in the event that the development is converted to conventional (non-housing for the elderly) apartment use.
- E. Housing for the Elderly developments shall include safety and security provisions conforming with Chapter 87 of the City Code.

### 16.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in RM-2 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission and the City Council after public hearing. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

16.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 0.3.30.00.

16.30.02 Extended Stay or All-Suite Residence Inns may be permitted by the Planning Commission and City Council after public hearing, subject to the findings as indicated in Section 16.30.00:

- A. An extended-stay residence inn is a facility in which each living unit is a Suite, and thus includes a kitchen area and facilities, as well as living, sleeping, and bathroom areas or facilities. Such Suites shall be constructed so that there is no direct entrance, from outside a unit, into a sleeping area. However, a sleeping area may have a door opening onto a patio or balcony, provided such door is not equipped to be unlocked from the outside.
- B. The site shall have a minimum of five acres.
- C. The site shall have frontage on and have its access limited to a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed.
- D. As extended-stay residence inns are not intended to serve as permanent living facilities, the minimum unit size which can be permitted is five hundred (500) square feet of floor area.
- E. Total site coverage of all buildings shall not exceed twenty-five (25) percent of the site area.
- F. The site area shall contain a minimum open space area (apart from buildings, parking and drives or loading areas) equivalent to four hundred fifty (450) square feet of land area per unit within the development. This required open space area shall include all landscaped areas otherwise required within this District, other than the ten (10) foot greenbelt along any public street frontage.
- G. Buildings shall be set back a minimum of fifty (50) feet from any boundary abutting a Residential District. Seventy-five (75) percent of yard areas thus required must be landscaped and kept free of all vehicular uses.

16.40.00     LOCATION STANDARDS:

16.40.10     Location:

The RM-2 multiple family residential mid-rise District may be considered for application when said application is consistent with the intent of the Master Land Use Plan and thus involves areas designated for high density mid-rise or high-rise residential development.

16.50.00     DEVELOPMENT STANDARDS:

16.50.21     In an RM-2 District, the minimum yards shall be equal to the height of the structure, but in no instance shall any yard setback be less than fifty (50) feet.

16.50.22     In an RM-2 District, seventy-five (75) percent of any required yard setback or minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and shall be kept free of all vehicular uses. Sixty (60) percent of this open space area shall be located in direct proximity to the buildings.

16.50.23     In RM-2 Districts, the site area shall contain a minimum open space area (apart from buildings, parking, drives, and loading areas) equivalent to 450 square feet of land area per dwelling unit within the development. This required open space area shall include the landscape areas required under Section 16.50.02.

16.50.24     In the RM-2 District, no building shall exceed eight (8) stories, or one hundred (100) feet in height. The maximum length of any building up to four stories in height shall not exceed one hundred eighty (180) feet. Measured along any exterior elevation. The length of a building five to eight stories in height shall not exceed four times its height.

16.50.25     See Section 31.30.00 (C) for building spacing requirements.

16.50.26     See Section 40.21.01 for parking requirements.

16.50.27     See Section 39.10.00 for screening wall requirements.

16.50.28     See Section 15.50.00 for additional Development Standards, which apply to developments in this District unless otherwise provided in this Article.

(05-01-00)

16.60.00     ENVIRONMENTAL STANDARDS:

16.60.01     See Section 15.60.00 for Environmental Standards.

16.70.00     DENSITY CONTROL:

16.70.01     In the RM-2 District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the net area of the site, in square feet, (excluding rights-of-way of major thoroughfares, existing or proposed, as indicated on the Master Thoroughfare Plan) divided by one of the following factors, based on building height:

- A. 1600 square feet, for building from one through four stories in height.
- B. 900 square feet, for buildings from five through eight stories in height.

- 16.70.02 In the RM-2 District, the total number of units shall not exceed twenty-four (24) dwelling units per net acre.
- 16.70.03 All units shall have at least one living room and one bedroom, except that no more than ten (10) percent of the units may be of the efficiency apartment type.
- 16.70.04 For room assignments, see Section 31.30.00 (B).
- 16.80.00 SITE PLAN REVIEW:  
All Site Plans for the development of RM-2 District areas shall be subject to the review and approval of the Planning Commission.
- 16.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.
- 16.90.00 AREA AND BULK REQUIREMENTS:  
See Article XXX, "Schedule of Regulations".



- 17.00.00      ARTICLE XVII              RM-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT - HIGH RISE
- 17.10.00      INTENT:  
The intent of the RM-3, Multiple Family (High Rise) Residential District is to provide sites for high density multiple family dwellings in high rise structures within those areas of urban character indicated on the Master Land Use Plan as being proximate to high intensity office, commercial, or civic developments. While providing for the residential needs of such areas, the development standards contained herein are intended to enable a clearly desirable living environment.
- 17.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.
- 17.20.00      PRINCIPAL USES PERMITTED:  
  
In the RM-3 District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes, and shall be permitted subject to the review and approval of the development plan by the Planning Commission. Such review is required in order to insure that the proper relationships exist between the development features and traffic safety, utility service, driveway and parking areas, and open space areas; and to minimize the possibility of adverse effects upon adjacent properties.
- 17.20.01      Multiple family dwellings as permitted and regulated in Article XV, RM-1 District.
- 17.20.02      Multiple family dwellings as permitted and as regulated in Article XVI, RM-2 District.
- 17.20.03      Multiple family dwellings which occur in high rise structures (9 or more stories), on sites having a minimum area of ten (10) acre, as regulated by the standards contained herein.
- 17.20.04      Accessory buildings and uses customarily incident to the above permitted uses.
- 17.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:  
The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the Planning Commission.
- 17.25.01      Business uses may be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structures and totally obscured from exterior view. No identifying sign for any such uses shall be visible from any exterior view. Such business and service uses shall not exceed twenty-five (25) percent of the floor area at grade level or fifty (50) percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first or grade level.
- 17.25.02      Housing for the elderly in high rise structures subject to the following conditions:
- A.      All such housing for the elderly shall conform to the standards of this District as to development and density.
  - B.      All dwelling units shall consist of not less than three hundred fifty (350) square feet of floor area per unit (not including kitchen and sanitary facilities).

- C. Total site coverage of all buildings (including main and accessory buildings) shall not exceed twenty-five (25) percent of the net site area.

17.40.00 LOCATION STANDARDS:

17.40.10 LOCATION:

- 17.40.11 The RM-3 Multiple Family Residential - High-Rise District may be considered for application to property when said application is consistent with the intent of the Master Land Use Plan and thus involves areas designated for high-density high-rise residential development.

17.50.00 DEVELOPMENT STANDARDS:

- 17.50.01 In an RM-3 District, the minimum yards shall equal the height of the building, and in no instance shall the required yard be less than fifty (50) feet.
- 17.50.02 In an RM-3 District, seventy-five (75) percent of any required yard setback or minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and shall be kept free of all vehicular uses. Sixty (60) percent of this open space area shall be located in direct proximity to the buildings.
- 17.50.03 In RM-3 Districts, the site area shall contain a minimum open space area (apart from buildings, parking and drives or loading areas) equivalent to 450 square feet of land area per dwelling unit within the development. This required open space area shall include the landscaped areas required under Section 17.50.02.
- 17.50.04 In the RM-3 District, maximum building length, for buildings from one through eight stories in height, shall be determined in accordance with the provisions of Section 16.50.04. The maximum length of a building of nine stories or greater in height shall not exceed three times its height.
- 17.50.05 See Section 31.30.00 (C) for building spacing.
- 17.50.06 See Section 40.21.01 for parking regulations.
- 17.50.07 See Section 39.10.00 for screening wall requirements.
- 17.50.08 See Section 15.50.00 for additional Development Standards, which apply to developments in this District unless otherwise provided in this Article.

(Rev. 05-01-00)

17.60.00 ENVIRONMENTAL STANDARDS:

- 17.60.01 See Section 15.60.00

17.70.00     DENSITY CONTROLS:

17.70.01     In the RM-3 District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the net area of the site in square feet, (excluding rights-of-way of major thoroughfares, existing or proposed) divided by one of the following factors based on building height:

- A.     1600 square feet, for buildings from one through four stories in height.
- B.     900 square feet, for buildings from five through eight stories in height.
- C.     500 square feet, for buildings of nine stories in height or greater.

All units shall have at least one living room and one bedroom, except that not more than ten (10) percent of the units may be of the efficiency apartment type.

17.70.02     In the RM-3 District, the total number of units shall not exceed thirty-five (35) dwelling units per net acre.

17.70.03     For room assignments, see Section 31.30.00 (B).

17.80.00     SITE PLAN REVIEW:

All Site Plans for the development of RM-3 District areas shall be subject to the review and approval of the Planning Commission.

17.80.01     Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

17.90.00     AREA AND BULK REQUIREMENTS:

See Article XXX, "Schedule of Regulations".

18.00.00      ARTICLE XVIII              C-F COMMUNITY FACILITIES DISTRICT

18.10.00      INTENT:

The C-F, Community Facilities, District is intended to provide for those public, quasi-public, or private institutional and service uses necessary to serve the cultural, educational, and, to some extent, the physical needs of the residential community. The unique nature and requirements of the uses contained within this District, and their need for a location within the residential portion of the community, warrant the establishment of a separate zoning classification which contains land use controls to insure that such uses will be fully compatible with adjacent land uses and not contrary to the spirit and purpose of this ordinance.

(Rev. 07-10-00)

18.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

18.20.00      PRINCIPAL USES PERMITTED:

18.20.01      One-family dwelling units (as defined in Section 04.20.43) developed according to the standards of the One-Family residential (R-1A through R-1E) District in effect immediately prior to the application of the C-F District. If the previous District was other than R-1A through R-1E, the standards of the abutting or nearest one-family residential District shall be applicable.

(Rev. 06-01-92)

18.20.02      Publicly owned and operated offices, public safety facilities, libraries, museums, fine and performing arts facilities, conference and meeting facilities, parks, and recreational facilities.

(Rev. 07-10-00)

18.20.03      Cemeteries, in locations where such would not abut platted and developed residential land.

18.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted in C-F Districts, subject to the conditions hereinafter imposed for each use.

(Rev. 07-10-00)

18.25.01      Private Non-Commercial Recreational, Cultural and Arts Facilities; Institutional or Community Recreation Centers, subject to the following conditions:

- A.      The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the section within which the site is located shall have at least one property line abutting a major thoroughfare of not less than one hundred-twenty (120) feet of right-of-way width, existing or proposed, and the site shall be so planned as to provide all ingress or egress directly onto or from said major thoroughfare.

- B. Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to Non-Residential Districts. The first fifty (50) feet of such yards, adjacent to residential Districts, shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and may contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- C. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- D. Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall four feet six inches (4' 6") in height shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall further be subject to the requirements of Section 39.10.00, Article XXXIX, "Environmental Provisions". Such walls may be placed at locations other than on the property lines of the site.
- E. Off-street parking shall be provided so as to accommodate not less than one-half ( $\frac{1}{2}$ ) of the member families and/or individual members. The Planning Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than automobile travel. In no instance, however, shall the off-street parking facilities accommodate less than one-third ( $\frac{1}{3}$ ) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage. Off-street parking areas shall be subject further to the provisions of Article XL, "General Provisions".

(Rev. 07-10-00)

18.25.02 Publicly-owned service buildings, public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, gas regulator stations, and water and sewage pumping stations, without storage yards.

- A. Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or residentially zoned land, except as otherwise provided in this Section.
- B. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.

- C. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.

1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

- D. Freestanding tower structures and antennas may be permitted only on sites which are developed or otherwise committed for use other than the construction of one-family dwellings, and shall not be permitted on developed City park sites.

(Rev. 11-12-07)

- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal two (2) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.

(Rev. 11-12-07)

- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 07-10-00)

18.30.00

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in the C-F District, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission, and/or by the City Council where indicated. Before approving any such uses, the Planning Commission and/or the City Council shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of the adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limits of the existing or proposed public services and facilities which serve its' location.

- C. Nothing herein shall be construed to limit or deny, to the Planning Commission or the City Council, the power or authority to reject the proposed use or activity where, in its discretion, good cause exists.

(07-10-00)

- 18.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

(07-10-00)

- 18.30.02 Churches and other facilities normally incidental thereto, subject to the following conditions:

- A. The site shall be at least ten (10) acres in area, exclusive of existing or planned major thoroughfare rights-of-way.
- B. The site shall be located so as to have a least one (1) property line, apart from its major thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of one-family residential dwellings.
- C. The site shall be so located as to have at least one property line abutting a major thoroughfare of not less than one hundred-twenty (120) feet of right-of-way width, either existing or proposed. All ingress and egress to the site shall be directly unto said major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - 1. The Planning Commission may permit access drives to streets or thoroughfares other than major thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.
- D. Buildings of greater than the maximum height allowed in Article XXX "Schedule of Regulations" may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
- E. Whenever the off-street parking is adjacent to land zoned and developed or developable for residential purposes, the parking area shall be screened from that adjacent residential area by the placement of a four feet six inch (4' 6") high landscaped earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.

This landscaped berm requirement shall apply to parking areas for which site plans were approved after July 1, 2000. The screening for parking areas established or proposed for construction before that date is permitted to be in the

form of a continuous obscuring wall, four feet six inches (4' 6") in height, in accordance with the provisions of Article XXXIX, Environmental Provisions. This screenwall shall be provided at or adjacent to those sides of the parking area which lie adjacent to residentially zoned land. Such parking area screenwalls shall also be provided adjacent to residentially zoned land wherein the above-described landscaped berm requirement does not apply.

- F. Front, rear, and each side yard shall be a minimum of fifty (50) wide.
- G. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space. This landscaped yard area requirement related to parking areas adjacent to residentially zoned land shall apply to parking areas for which site plans were approved after July 1, 2000.
- H. Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.
  - 1. The seating capacity of any individual incidental use area shall not exceed that of the sanctuary or principal worship area of the church complex.
  - 2. Parking shall be provided for such incidental use areas at one-half ( $\frac{1}{2}$ ) the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
  - 3. Such incidental facilities must be used for church, worship, religious education, indoor recreation, or for community service purposes. The facilities may be made available for use by private non-profit, public, or community organizations. They shall not, however, be used, leased or rented for commercial purposes.
  - 4. Active indoor recreation facilities, such as gymnasiums, shall be located at least eighty (80) feet from any residentially zoned land, other than that which is developed or committed for uses other than the construction of residential dwellings.
- I. All structures, appurtenances, and fixtures related to outdoor recreation purposes shall be located a minimum of one hundred (100) feet from any residentially zoned property, other than that which is developed or committed for uses other than the construction of residential dwellings.

(07-10-00)

18.30.03 Childcare Centers, Nursery Schools or Daycare Nurseries (not including dormitories), subject to the following conditions:



- A. For each child cared for, there shall be provided and maintained a minimum of one hundred-fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5,000) square feet and shall be visually screened from any adjoining lot in any Residential District, in a manner acceptable to the Planning Commission.

(07-10-00)

- B. The proposed site shall have at least one property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than for the construction of one-family residential dwellings.

The proposed site may also be a portion of a site on which a primary use provided for elsewhere in this District is proposed, or is in place.

- C. Parking may be permitted in the required front yard, in order to provide an opportunity to optimize the availability of open space and play area elsewhere on the site.
- D. As an alternative to required parking area screening walls, the Planning Commission may permit, or may require, earth berms having a minimum height of four feet six inches (4' 6"), as measured from the grade of the parking area. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.

(07-10-00)

**18.30.04      General Hospitals, when the following conditions are met:**

- A. All such hospitals shall be developed only on sites consisting of at least forty (40) acres in area.
- B. The proposed site shall have at least one property line abutting a major thoroughfare of at least one hundred-twenty (120) feet of right-of-way width, existing or proposed (in accordance with the Master Thoroughfare Plan). All vehicular ingress and egress shall be directly from a major thoroughfare.
- C. The proposed site shall have at least one (1) property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than for the construction of one-family residential dwellings.
- D. The minimum distance of any main or accessory building or structure from any boundary property line or street shall be two hundred (200) feet. Building height in excess of two (2) stories may be permitted. For each story above two (2) stories, the minimum yard distance shall be increased by twenty (20) feet. A minimum depth of one hundred (100) feet of such required yards, adjacent to boundary property lines, shall be kept free of off-street parking.

- E. Any required yard abutting residentially developed property or potentially developable residential property, as described in Paragraph (C), shall contain, within the first fifty (50) feet of said yard, a five (5) foot high earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.
- F. Ambulance and delivery areas shall be obscured from all adjacent residential areas view with a wall six (6) feet in height, or with an earth berm five (5) feet in height planted as in Paragraph (E) above. Such walls shall be subject further to the requirements of Article XXXIX "Environmental Provisions".
- G. Accessory buildings and uses including, but not limited to, the following may be permitted: provided the total floor area of such uses does not exceed that of the main hospital complex. The permitted area for such accessory uses shall not include uses within such buildings which are directly a part of the subject hospital operation, such as hospital administrative offices, and laboratories.

Off-street parking shall be provided for such uses in accordance with the requirements of Section 40.21.01. Such parking shall be in addition to that required for the main hospital complex.

- 1. Medical office buildings accommodating doctors and other medical staff directly related to the subject hospital. Other related uses such as a pharmacy or facilities for the sale of medical goods such as bandages, corrective garments or optical equipment may be permitted within such buildings. Office space shall not be rented, sold, or otherwise made available for doctors, medical personnel or other users not directly related to the staff of the subject hospital.
  - 2. Residential units accommodating doctors and other medical staff directly related to the subject hospital. Such units shall not be rented, sold, or otherwise made available for occupancy by any persons not directly related to the staff of the subject hospital.
- H. Following review of a hospital development proposal, the Planning Commission shall forward their recommendation to the City Council which shall hold a public hearing prior to taking final action on said proposal. The City Council may impose additional conditions and safeguards as it deems necessary to minimize any adverse effects of such uses on the character of the surrounding area.

(07-10-00)

18.30.05 Special Purpose Hospitals, when the following conditions are met:

- A. All such hospitals shall be developed on sites having a minimum area of twelve (12) acres, or one (1) acre for each ten (10) beds in the subject hospital, whichever is greater.

- B. The proposed site shall have at least one property line abutting a major thoroughfare of at least one hundred-twenty (120) feet of right-of-way width, existing or proposed (in accordance with the Master Thoroughfare Plan). All vehicular ingress and egress shall be directly from a major thoroughfare.
- C. The proposed site shall have at least one property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than for the construction of one-family residential dwellings.
- D. The minimum distance of any main or accessory building or structure shall be one hundred-fifty (150) feet from any residentially zoned parcel or street right-of-way line, and one hundred (100) feet from any other property line. A minimum depth of fifty (50) feet of such required yards, adjacent to boundary property lines, shall be kept free of off-street parking.
- E. Any required yard abutting residentially developed property or potentially developable residential property, as described in Paragraph (C), shall contain, within the first fifty (50) feet of said yard, a five (5) foot high earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.
- F. Ambulance and delivery areas shall be obscured from all adjacent residential areas view with a wall six (6) feet in height, or with an earth berm five (5) feet in height planted as in paragraph (E) above. Such walls shall be subject further to the requirements of Article XXXIX "Environmental Provisions".
- G. Patient length-of-stay shall not exceed ninety (90) days.
- H. Accessory buildings and uses including, but not limited to, the following may be permitted; provided the total floor area of such uses does not exceed that of the main hospital complex. The permitted area for such accessory uses shall not include uses within such buildings which are directly a part of the subject hospital operation, such as hospital administrative offices, and laboratories. Off-street parking shall be provided for such uses in accordance with the requirements of Section 40.21.01. Such parking shall be in addition to that required for the main hospital complex.
  - 1. Medical office buildings accommodating doctors and other medical staff directly related to the subject hospital. Other related uses such as pharmacy or facilities for the sale of medical good such as bandages, corrective garments or optical equipment may be permitted within such buildings. Office space shall not be rented, sold, or otherwise made available for doctors, medical personnel or other users not directly related to the staff of the subject hospital.
- I. Following review of a hospital development proposal, the Planning Commission shall forward their recommendation to the City Council which shall hold a public hearing prior to taking final action on said proposal. The City Council may impose additional conditions and safeguards as it deems necessary to minimize any adverse effects of such uses on the character of the surrounding area.  
(07-10-00)

- 18.30.06 Colleges, Universities, and other institutions of higher learning, both public and private, offering courses in general, technical or religious education, and established as non-profit corporations in accordance with State law, all subject to the following conditions:
- A. Any use permitted herein shall be developed only on sites at least forty (40) acres in area, with the following exception: Establishments permitted herein which will not include outdoor activities including but not limited to, athletic facilities, may be developed on sites of less than forty (40) acres. Sites for such establishments shall have a minimum area at least equal to two (2) acres for each one hundred (100) people permitted within the capacity of the proposed establishment or fifteen (15) acres, whichever is greater.
  - B. All ingress to an egress from said site shall be directly on to a major thoroughfare having an existing or planned right-of-way (in accordance with the Master Thoroughfare Plan) of at least one hundred-twenty (120) feet of width.
  - C. Sites established after January 1, 1977, shall meet at least one of the following locational criteria:
    - 1. Location at the intersection of two major thoroughfares.
    - 2. Location abutting a freeway right-of-way.
    - 3. The site shall have at least one (1) property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of one-family residential dwellings.
  - D. No building shall be closer than eighty (80) feet to any property line.
  - E. Off-street parking areas shall be located at least fifty (50) feet from any residential property line. Parking area screening walls, as required by Section 39.10.00 Article XXXIX "Environmental Provision", may be placed at locations other than on the property lines of the site. As an alternative to such screening walls, the Planning Commission may require earth berms having a minimum height of four and one-half (4 ½) feet, as measured from the grade of the parking area. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.
  - F. Buildings, parking and drive areas shall occupy no more than fifty (50) percent of said site area.
  - G. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

(07-10-00)

### 18.50.00 DEVELOPMENT STANDARDS

#### 18.50.01 YARD REQUIREMENTS:

- A. Front yards, including those abutting any public street or freeway, shall be a minimum of fifty (50) feet as measured from the street right-of-way line, existing or proposed, unless otherwise specified herein. Such yards shall be free of vehicular parking.
- B. Side and/or rear yards shall be a minimum of fifty (50) feet wide, with the exception that yards abutting land which is developed, zoned or otherwise committed for use other than the construction of one-family residential dwellings shall be at least equal in width to those required by the abutting Zoning District.

These yard requirements shall apply to buildings and facilities wherein construction is initiated after July 1, 1978. Additions to buildings wherein the original construction was initiated prior to this date shall be subject to the setback requirements applicable to the abutting Zoning District(s).

(Rev. 07-10-00)

#### 18.50.03 PARKING REQUIREMENTS:

See Sections 40.20.00 and 40.25.00 for parking requirements.

18.50.04 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

#### 18.60.00 ENVIRONMENTAL STANDARDS:

18.60.01 See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

18.60.02 An Environmental Impact Statement, according to the provisions of Article VII of this chapter shall be submitted as a part of an application for rezoning or site plan approval, whichever shall first occur, for parcels having an area of ten (10) acres or greater.

(07-10-00)

#### 18.80.00 SITE PLAN REVIEW:

- A. All site plans for the development of private property within a C-F District shall be subject to the review and approval of the Planning Commission. In their review, the Planning Commission shall determine that all development features including principal buildings and any accessory buildings and uses, open spaces, service roads, driveways and parking areas are located and treated so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.

(Rev. 05-17-93)

- B. All site plans for development of public property within a C-F District shall be subject to the review and recommendation of the Planning Commission to the City Council for final review and approval or denial. In their recommendation, the Planning Commission shall certify to the City Council that all development features, including principal buildings and any accessory buildings and uses, open spaces, service roads, driveways and parking areas are located and treated so as to minimize the possibility of any adverse effects upon adjacent properties. The Transportation Engineer and other appropriate agencies, as determined by the City Manager, shall certify that service roads, driveways and parking areas are located and treated to avoid adverse effects on traffic safety.

(Rev. 05-17-93)

18.90.00 AREA AND BULK REQUIREMENTS:  
See Article XXX, "Schedule of Regulations".

- 19.00.00      ARTICLE XIX                      R-EC (RESIDENTIAL-ELDER CARE) DISTRICT
- 19.10.00      INTENT:  
The intent of the R-EC, Residential-Elder Care, District is to provide for residential and care facilities predominately for the elderly, along with other types of residential and residential-related facilities, in a manner which will be fully compatible with adjacent land uses, including low-density residential land uses.
- 19.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.
- 19.20.00      PRINCIPAL USES PERMITTED:  
In the R-EC District, no building or land, except as otherwise provided in this Chapter, shall be erected or used except for one or more of the following uses:
- 19.20.01      All principal uses permitted, and as regulated, in the abutting or nearest One-Family Residential (R-1A through R-1E) District.
- 19.20.02      Accessory buildings and uses customarily incidental to the above permitted uses.
- 19.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:  
Those uses, with related conditions, as provided in Section 10.25.00 (R-1A through R-1E Districts).
- 19.30.00      USE PERMITTED SUBJECT TO SPECIAL USE APPROVAL:  
The following uses may be permitted in the R-EC District, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:
- A.      The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B.      The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its' location.
- 19.30.01      Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.
- 19.30.02      Housing for the elderly, developed in accordance with the provisions of the Article XIV of this Chapter, the R-M District, with the following exceptions:
- A.      The total number of rooms of eighty (80) square feet or more (not including kitchen, dining or sanitary facilities) shall not be more than the net site area of the parcel in square feet, divided by three thousand five hundred (3,500).
- B.      All units shall have at least one living room and one bedroom, along with kitchen and bath facilities.

- C. The maximum length of any one building shall not exceed one hundred fifty (150) feet measured along any single front, side, rear or other exterior elevation. Further, the maximum length of any contiguous wall line shall not exceed sixty (60) feet without interruption by a horizontal offset of a minimum of four (4) feet in depth from the outer surface of such wall.

(12-13-93)

**19.30.03 Care Facilities predominately for the Elderly, including Intermediate Care Facilities, Convalescent or Nursing Centers, subject to the following conditions:**

- A. All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.
- B. The proposed site shall have at least one property line abutting a major thoroughfare of at least 120 feet of right-of-way width, existing or proposed (as established by the Master Thoroughfare Plan). All vehicular ingress and egress shall be directly from a major thoroughfare.
- C. The proposed site shall have at least one property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than for the construction of One-Family residential dwellings, or shall be at a major thoroughfare intersection location where land directly across the thoroughfare(s) is zoned for non-residential purposes.
- D. All yards shall be a minimum of fifty (50) feet in width. Required yards abutting public street rights-of-way and land zoned for One-Family residential purposes shall be kept free of parking and shall be landscaped. Any yard abutting land developed for, or potentially developable for, One-Family residential purposes shall contain a four foot six inch (4'6") high landscaped earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. In lieu of such a berm, the Planning Commission may permit a brick-faced wall four feet six inches (4'6") in height. Said wall shall further be subject to the requirements of Article XXXIX "Environmental Provisions".
- E. Delivery areas and parking areas shall be screened from adjacent residential areas with an earth berm or screenwall as described in Paragraph D above.



- F. Such facilities shall be so designed architecturally as to reflect the predominant architectural character of adjacent residential areas.

The maximum length of any one building shall not exceed one three hundred (300) feet measured along any single front, side, rear or other exterior elevation. Within this limit the following wall or building offsets shall be provided:

1. The maximum length of any continuous wall line shall not exceed sixty (60) feet without interruption by a horizontal offset of a minimum of six (6) feet in depth as measured from the outer surfaces of the walls.
  2. No building element (including a combination of wall elements as referred to in sub-paragraph (1) above) shall exceed one hundred fifty (150) feet in length without interruption by a horizontal offset if a minimum of thirty (30) feet in depth as measured from the outer surfaces of the walls
- G. The minimum distance between any two buildings on the same site or parcel shall be regulated according to the formula contained in Section 31.30.00 (c), and in no instance shall this distance be less than forty (40) feet.
- H. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

(Rev. 05-10-99)

**19.40.00      LOCATION STANDARDS:**

The R-EC District may be considered for application in the following types of areas as represented on the Master Land Use Plan:

- A. In areas where the District would serve as a transition between areas planned for non-residential use and adjacent low-density residential areas. These areas could include portions of major thoroughfare intersection areas where other quadrants are planned for non-residential use. In this way, the District could relate well to the low-density residential areas while still being conveniently located in relation to necessary support and service areas.
- B. Areas planned for medium-density and high-density residential use, where the types of facilities available in the R-EC District are determined, by the City, to be necessary.

**19.50.00      DEVELOPMENT STANDARDS:**

The development standards applicable to Principal Uses and Conditional Uses developed within this District shall be in accordance with the standards contained in Article X of this Chapter (R-1A through R-1E Districts), as indicated in Sections 19.20.01 and 19.25.00, above. The standards applicable to Special Approval Uses developed within this District shall be in accordance with those applicable provisions occurring under Article XIV of this Chapter (R-M District), except as otherwise indicated in the provisions of this R-EC District.

## Chapter 39 - Zoning Ordinance

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19.80.00     SITE PLAN REVIEW:

All site plans for the development of property zoned R-EC, with the exception of plans for the construction of one-family dwellings, shall be subject to the review and approval of the Planning Commission.

19.80.01     Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

19.90.00     AREA AND BULK REQUIREMENTS:

See Article XXX, Schedule of Regulations.

20.00.00     ARTICLE XX B-1 LOCAL BUSINESS DISTRICT

20.10.00     INTENT:

The B-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience, shopping and service needs of persons residing in adjacent residential areas. The following regulations shall apply in all "B-1" Districts and no building, structure or premises, except as otherwise provided in this Chapter, shall be erected, altered or used except for one or more of the following specified uses:

20.10.01     Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

20.20.00     PRINCIPAL USES PERMITTED:

20.20.01     Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to:  
Groceries, meats, dairy products, baked goods or other foods dispensed for consumption off the site, hardware, drugs and pharmaceuticals.

20.20.02     Specialty shops such as, but not limited to: Antique shops, craft shops, and shops for the sale of gifts and notions.

20.20.03     Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.) beauty parlors and barber shops, and self-service laundries.

20.20.04     Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

20.20.05     Business establishments which perform services on the premises such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance companies, and real estate offices. Banks, savings and loan associations, and credit unions may include drive-up facilities only as an accessory use, subject to the provisions of back up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

20.20.06     Professional services including the following: medical clinics, (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

20.20.07     Post office and similar governmental office buildings, serving persons living in the adjacent residential area. Other uses similar to the above uses.

20.20.08     Accessory structures and uses customarily incident to the above permitted uses.

20.25.00     USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use.

(Rev. 03-06-95)

20.25.01 City and School District buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards.

- A. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- B. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
  - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
- C. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- D. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

20.25.02 Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for there is provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand (5,000) square feet, and shall be fenced or screened from any adjoining residential or commercial land.

20.25.03 Incidental Customer Seating as an accessory to food sales establishments, subject to the following conditions:

- A. A maximum of twenty (20) seats may be provided, subject to the determination by the Chief Building Inspector that overcrowding will not occur.
- B. All applicable building code and health code requirements shall be met in relation to the provision of such incidental seating.

- C. A portion of the proposed seating may occur outside the building subject to the following conditions:
1. The proposed seating area shall be enclosed by decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.
  2. Outside seating shall not occupy required sidewalk or landscape areas.
  3. Applications for outside seating shall be accompanied by the following:
    - a. Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.
    - b. An affidavit signed by the owner of the property on which outside seating is proposed indicating concurrence with the proposed use.
- D. Approval of accessory seating shall apply only to the business operation of the applicant and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.
- E. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals.

(Rev. 03-06-95)

**20.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL**

The following uses may be permitted in B-1 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size, and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

**20.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

20.50.00      DEVELOPMENT STANDARDS:

20.50.01      All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on said premises.

(Rev. 09-14-92)

20.50.02      All business, service, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, except as otherwise provided in this Article. The outdoor storage and display of goods for sale shall be expressly prohibited with the exception of "Sidewalk Sales", which may be permitted in accordance with the provisions of Chapter 69 (Miscellaneous Licensed businesses), Sections 1 and 2.

(Rev. 10-06-97)

20.50.03      See Section 40.20.00 for parking requirements.

20.50.04      The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

- A.      Joint-access driveways or driveways located so as to provide access to more than one site.
- B.      Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

20.50.05      See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

20.60.00      ENVIRONMENTAL STANDARDS:

See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

20.80.00     SITE PLAN REVIEW:

All site plans for the development of property within a B-1 District shall be subject to the review and approval of the Planning Commission.

20.80.01     Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

20.90.00     AREA AND BULK REQUIREMENTS:

See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

21.00.00     ARTICLE XXI B-2 COMMUNITY BUSINESS DISTRICT

21.00.00     INTENT:

The B-2 Community Business Districts are designed to cater to the needs of a larger consumer population that is served by the Local Business Districts, and are generally characterized by integrated or planned clusters of establishments, on large sites, served by common parking areas and generating large volumes of vehicular and pedestrian traffic.

The following regulations shall apply in all "B-2" Districts and no building, structure, or premises, except as otherwise provided in this Chapter, shall be erected, altered, or used except for one or more of the following specified uses:

21.10.01     Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

21.20.00     PRINCIPAL USES PERMITTED:

21.20.01     Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions, except as otherwise provided in the Article, subject to the regulations applicable in the following sections of this Article.

All retail business, service establishments, or processing uses as follows:

21.20.02     Any retail business whose principal activity is the sale of merchandise in an enclosed building, except for those limited to or first permitted in the B-3 General Business District.

21.20.03     Any service establishment of a showroom or workshop nature, of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic studios and reproduction and similar service establishments that require a retail adjunct.

21.20.04     Business establishments which perform services on the premises, such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices.

21.20.05     Private clubs, fraternal organization, and lodge halls.

21.20.06     Restaurants, or other places serving food or beverage, except those having the character of a drive-in or open front store.

21.20.07     Theaters, assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.

21.20.08     Business schools and colleges or private schools operated for profit, not including nursery schools.

21.20.09     Other uses similar to the above uses.

21.20.10     Accessory structures and uses customarily incident to the above permitted uses.



**21.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted in B-2 Districts, subject to the conditions hereinafter imposed for each use.

**21.25.01      Drive-up Windows or Service Facilities, as Accessory to Principal Uses Within B-2 Districts, Apart from Restaurants, Subject to the Following Conditions:**

- A.      Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- B.      Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

**21.25.02      Outside seating areas, of twenty (20) seats or less, for restaurants or other food service establishments, subject to the following conditions:**

- A.      Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.
- B.      Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- C.      Outside seating areas shall not occupy required sidewalk or landscape areas.
- D.      Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.
- E.      Applications for outside seating shall be accompanied by the following:
  - 1.      Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.
  - 2.      An affidavit signed by the owner of the property on which outside seating is proposed, indicating concurrence with the proposed use.
- F.      Approval of outside seating shall apply only to the business operation of the applicant, and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.

- G. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector, in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals

(03-06-95)

**21.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL**

The following uses may be permitted in B-2 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size, and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

**21.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

**21.30.02** Drive-Up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District, Subject to the Following Conditions:

- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- B. A minimum site area of one acre shall be required, with a minimum frontage of 150 feet on a Major Thoroughfare, as designated on the Master Thoroughfare Plan.
- C. Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from off-street parking areas and drives, at the rate of eight (8) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.
- D. The consumption of food within vehicles parked on the premises is prohibited.

**21.30.03** Bowling alley, billiard hall, indoor archery range, indoor skating, rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation, when the subject uses are located at least 100 feet from any Residential District.

21.30.04 Open air business uses when developed as uses subordinate to primary uses and structures within the B-2 District as follows:

- A. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such sales areas shall be designed as a part of the building mass to which they are accessory, in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, and shall be capable of entry only from the interior of the main building.
- B. Recreational space providing shuffle board, miniature golf, tennis, or similar outdoor recreation, when part of a planned development; provided further that such uses shall be located adjacent to the building mass to which they are secondary, but not at the intersection of two Major Thoroughfares. Such uses shall be at least one hundred fifty (150) feet from any Residential District, and shall be enclosed on all sides with a fence having a minimum height of four (4) feet.

Setbacks for the open air business uses covered under Sub-Sections A and B above shall be at least equal to those required for conventional buildings within this District.

(Rev. 02-16-98)

- C. Outdoor driver training and testing areas on or abutting the site of a driving school, subject to the following conditions:
  - 1. The applicant shall provide evidence that the training or testing area meets the minimum requirements of the State of Michigan.
  - 2. The training or testing area shall not include required parking, loading, or landscaped areas.
  - 3. The Planning Commission shall determine that the training or testing area does not restrict or impede access to or through the site, or cause any undue traffic congestion on or adjacent to the site.

(02-16-98)

21.30.05 Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

- A. The City Council may approve such outside seating uses for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management shall terminate approval.
- B. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the City Council.

- C. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- D. Outside seating/dining areas shall not occupy required sidewalk or landscape areas. In considering requests for outside seating, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the seating area.
- E. Parking shall be provided for outside seating/dining areas in accordance with applicable provisions of this Chapter. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.
- F. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.
- G. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:
  - 1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.
  - 2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(03-06-95)

21.30.06 Facilities within a retail establishment for installation, in vehicles, of items sold at retail at that location.

- A. The area devoted to such installation shall not exceed ten (10) percent of the gross floor area of the retail establishment.
- B. The site and building involving the installation activity shall be arranged in a manner which will minimize on-site traffic congestion and potential pedestrian/vehicular traffic conflicts.
- C. The portion of the building involving the installation activity shall be architecturally compatible with the rest of the building, recognizing that one or more overheads doors may be involved.

(03-29-99)

## Chapter 39 - Zoning Ordinance

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### 21.50.00 DEVELOPMENT STANDARDS:

21.50.01 All business establishments shall be retail or service establishments dealing with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

21.50.02 All business, service, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings, except as otherwise provided in this Article. The outdoor storage and display of goods for sale shall be expressly prohibited, with the exception of "Sidewalk Sales", which may be permitted in accordance with the provisions of Chapter 69 (Miscellaneous Licensed Business), Sections 1 and 2.

(Rev. 10-06-97)

21.50.03 An Environmental Impact Statement, according to the provisions of ARTICLE VII of this Chapter, shall be submitted as a part of an application for rezoning of Site Plan Approval, whichever shall first occur, which is intended to enable a development of fifty thousand (50,000) square feet of floor area or greater. This provision is also applicable to multistage developments whose total building area will ultimately meet or exceed this amount.

21.50.04 See Section 40.20.00 for parking requirements.

21.50.05 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problem will result:

- A. Joint-access driveways or driveways located so as to provide access to more than one site.
- B. Cross access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

Instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificate of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

21.50.06 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

21.60.00      ENVIRONMENTAL STANDARDS:

21.60.01      See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

21.80.00      SITE PLAN REVIEW:

All site plans for the development of property within a B-2 District, shall be subject to the review and approval of the Planning Commission.

21.80.01      Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

21.90.00      AREA AND BULK REQUIREMENTS:

See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

22.00.00      ARTICLE XXII                      B-3 GENERAL BUSINESS DISTRICT

22.10.00      INTENT:

The B-3 General Business Districts are designed to provide sites for more diversified business types requiring a City-wide general market area and/or arterial exposure. The General Business Districts are thus typically mapped along major thoroughfares and/or adjacent to Community Business Districts.

The following regulations shall apply to all "B-3" Districts and not building, structure, or premises except as otherwise provided in this Chapter, shall be erected, altered, or used except for one or more of the following specified uses:

22.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

22.20.00      PRINCIPAL USES PERMITTED:

22.20.01      Any retail business or service establishment permitted in B-2 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.

22.20.02      Mortuary establishments, when assembly area is provided off-street for a minimum of ten (10) vehicles to be used in funeral procession; provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of a mortuary establishment.

22.20.03      Bus or transit passenger stations, taxicab offices and dispatching centers.

(Rev. 11-13-06)

22.20.04      Parking garages and off-street parking areas.

22.20.05      Sales, showrooms, and incidental repair of recreational vehicles.

22.20.06      New and used car salesroom, showroom, or office.

22.20.07      Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.

22.20.08      Other uses similar to the above uses.

22.20.09      Accessory structures and uses customarily incident to the above permitted uses.

22.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted in B-3 Districts, subject to the conditions hereinafter imposed for each use.

- 22.25.01 Drive-up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District, Subject to the Following Conditions:
- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
  - B. A minimum site area of one acre shall be required, with a minimum frontage of 150 feet on a Major Thoroughfare, as designated on the Master Thoroughfare Plan.
  - C. Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from off-street parking areas and drives, at a rate of eight (8) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.
  - D. The consumption of food within vehicles parked on the premises is prohibited.
- 22.25.02 Drive-up Service Facilities, as Accessory to Principal Permitted Uses Within B-3 Districts, Apart from Restaurants, Subject to the Following Conditions:
- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
  - B. Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.
- 22.25.03 Bowling alley, billiard hall, indoor archery range, indoor skating rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation, when the subject uses are located at least 100 feet from any Residential District.
- 22.25.04 Open air business uses when developed as uses subordinate to primary uses and structures within the B-3 District, as follows:
- A. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such sales areas shall be designed as a part of the building mass to which they are accessory, in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, and shall be capable of entry only from the interior of the main building.
  - B. Recreational space providing shuffle board, miniature golf, tennis, or similar outdoor recreation, when part of a planned development; provided further that such uses shall be located adjacent to the building mass to which they are secondary, but not at the intersection of two Major Thoroughfares. Such uses shall be at least one hundred fifty (150) feet from any Residential District, and shall be enclosed on all sides with a fence having a minimum height of four (4) feet.



Setbacks for the open air business uses covered under sub-sections A and B above shall be at least equal to those required for conventional buildings within this District.

(Rev. 02-16-98)

- C. Outdoor driver training and testing areas on or abutting the site of a driving school, subject to the following conditions:
1. The applicant shall provide evidence that the training or testing area meets the minimum requirements of the State of Michigan.
  2. The training or testing area shall not include required parking, loading, or landscaped areas.
  3. The training or testing area shall not restrict or impede access to or through the site, or cause any undue traffic congestion on or adjacent to the site.

(02-16-98)

22.25.05 Outside seating of twenty (20) seats or less for restaurants, or other food service establishments, subject to the following conditions:

- A. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.
- B. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- C. Outside seating areas shall not occupy required sidewalk or landscape areas.
- D. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.
- E. Applications for outside seating shall be accompanied by the following:
1. Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.
  2. An affidavit signed by the owner of the property on which outside seating is proposed indicating concurrence with the proposed use.
- F. Approval of outside seating shall apply only to the business operation of the applicant and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.

- G. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector, in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals.

(03-06-95)

**22.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL**

The following uses may be permitted in B-3 Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

**22.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

**22.30.02** Outdoor sales space for exclusive sale or lease of new or second-hand automobiles, trucks, mobile homes, trailers, or recreational vehicles subject to the following:

- A. The lot area shall be a minimum of thirty thousand (30,000) square feet, located on a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed.
- B. The required front yard shall be landscaped and shall not be used for parking or for the display of vehicles.
- C. The lot area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- D. Ingress and egress points shall be at least sixty (60) feet from the intersection of any two thoroughfare right-of-way lines, existing or proposed.
- E. No major repair or refinishing shall be done on the premises.
- F. All lighting shall be shielded from adjacent residential districts.

**22.30.03** Motel or Hotel, subject to the following conditions:

- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

- B. A minimum site area of three (3) acres shall be required, with a minimum frontage of one hundred (100) feet on a major thoroughfare of at least one hundred twenty (120) feet of right-of-way width, existing or proposed.
- C. Each unit shall contain not less than two hundred (200) square feet of floor area.
- D. No guest shall establish permanent residence at a motel or hotel for more than thirty (30) consecutive days.
- E. Additional height (beyond the District limit) may be permitted on sites of five (5) acres or more, provided yard setbacks are provided as follows:
  - 1. A setback of at least two (2) feet per foot of building height, where such yard abuts residentially zoned land.
  - 2. A setback of at least one (1) foot per foot of building height, where such yard abuts non-residentially zoned land or thoroughfares.

22.30.04 Veterinary hospitals provided all activities are conducted within a totally enclosed main building and provided further that all abutting or adjacent property is non-residentially zoned.

(Rev. 02-28-05)

22.30.05 Commercial Kennels, subject to the following conditions:

- A. The site shall have at least one property line abutting a major thoroughfare.
- B. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially zoned land, which is developed or committed for uses other than the construction of residential dwellings.
- C. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-28-05)

22.30.06 Automobile repair garages, provided all activities are conducted within a completely enclosed building. Such uses shall not include the sale of fuels, vehicle body repair, painting, refinishing, tire recapping, auto dismantling, or other such activities whose external effects could adversely extend beyond the property lines.

(Rev. 02-05-01)

22.30.07 Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

- A. The City Council may approve such outside seating uses for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management shall terminate approval.
- B. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the City Council.
- C. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- D. Outside seating/dining areas shall not occupy required sidewalk or landscape areas. In considering requests for outside seating, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the seating area.

(Rev. 02-05-01)

- E. Parking shall be provided for outside seating/dining areas in accordance with applicable provisions of this Chapter. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.
- F. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.
- G. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:
  - 1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.
  - 2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(03-06-95)

22.30.08 Adult use business, as defined in this section, shall be permitted subject to the conditions set out herein:

- A. The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses within the City, thereby reducing or eliminating the adverse secondary effects from such adult use businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also not the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- B. It shall be unlawful to operate or cause to be operated an adult use business in any location in the City, except as provided in Troy's Zoning Ordinance, Chapter 39, Article XXII, Section 22.30.08 of the Code of Ordinances.
- C. It shall be unlawful to operate or cause to be operated an adult use business within five hundred feet (500'), measured from the nearest lot line to the nearest lot line on a straight-line basis, of any of the following:
  - 1. A church;
  - 2. A school or childcare facility;
  - 3. A public park (not including public trails);
  - 4. Any residential zoning district or any parcel used for residential purposes.
- D. It shall be unlawful to cause or permit the operation of an adult use business within one thousand feet (1,000') of another adult use business. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.
- E. It shall be unlawful to cause or permit the operation or maintenance of more than one adult use business in the same building, structure or portion thereof.
- F. All off street parking areas and entry door areas of adult use businesses shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
- G. The premises of all adult use businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted, at an illumination level of not less than two (2) foot-candles of light, as measured at the floor level.
- H. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted at an illumination level of not less than one foot-candle of light, as measured at the floor level.

- I. No person shall conduct an adult use business without first having obtained an annual adult use business license from the City.
- J. No person(s) shall reside on or permit any other persons to reside on the premises of an adult use business.
- K. All adult use businesses shall be subject to the same requirements of the Zoning Ordinance.
- L. An adult use business lawfully operating is not rendered a nonconforming use by the subsequent location of a church, school, childcare facility, public park, residential district, or a residential lot within five hundred feet (500') of the adult use business. However, if the adult use business ceases operation for a period of one hundred eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location, unless it achieves conformity with the City of Troy Ordinances.

(07-09-07)

22.50.00      DEVELOPMENT STANDARDS:

22.50.01      All business, service or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings except as otherwise provided in this Article. The outdoor storage and display of goods for sale shall be expressly prohibited, with the exception of "Sidewalk Sales", which may be permitted in accordance with the provisions of Chapter 69 (Miscellaneous Licensed Businesses), Sections 1 and 2.  
(Rev. 10-06-97)

22.50.02      See Section 40.20.00 for parking requirements.

22.50.03      An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for rezoning or Site Plan Approval, whichever shall first occur, which is intended to enable a development of thirty thousand (30,000) square feet of floor area or greater. This provision is also applicable to multi-stage developments whose total building area will ultimately meet or exceed this amount.

22.50.04      The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

- A.      Joint-access driveways or driveways located so as to provide access to more than one site.
- B.      Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

22.50.05 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

22.60.00 ENVIRONMENTAL STANDARDS:

22.60.01 See Article XXXIX, "ENVIRONMENTAL PROVISIONS" for requirements pertaining to walls, landscaping, performance standards, and signs.

22.80.00 SITE PLAN REVIEW:

All site plans for the development of property within a B-3 District shall be subject to the review and approval of the Planning Commission.

22.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

22.90.00 AREA AND BULK REQUIREMENTS:

See Article XXX, "SCHEDULE OF REGULATIONS", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing the minimum yard setback requirements.

23.00.00     ARTICLE XXIII H-S HIGHWAY SERVICE DISTRICT

23.10.00     INTENT:

The Highway Service District is designated to provide servicing for the needs of automobile traffic at limited commercial locations along major thoroughfare frontages, as well as provide for those goods and services which are oriented to and dependent upon vehicular movement. The limitation on such locations is intended to minimize traffic congestion and enable the smooth flow of traffic in such commercial areas, while also minimizing impact on adjacent properties.

(Rev. 11-22-93)

23.10.01     Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

23.20.00     PRINCIPAL USES PERMITTED:

In an H-S District, no building, structure, or premises shall be erected, altered, or used, except for one or more of the following uses, unless otherwise provided in this Chapter:

23.20.01     Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

23.20.02     Bus or transit passenger stations, taxicab offices and dispatching centers.

(Rev. 11-13-06)

23.20.03     Parking garages and off-street parking areas.

23.20.04     New and used automobile salesroom, showroom or office.

23.20.05     Sales, showrooms, and incidental repairs of recreational vehicles.

23.20.06     Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities, subject to the provision of back-up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal. Drives providing such waiting spaces shall have a minimum clear width of twelve (12) feet.

(Rev. 11-22-93)

23.20.07     Public utility buildings and sub-stations, subject to the applicable conditions contained in Section 20.25.01.

(Rev. 04-19-93)

23.20.08     Accessory structures and uses customarily incident to the above permitted uses.



**23.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted in H-S Districts, subject to the conditions hereinafter imposed for each use.

**23.25.01      Drive-Up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District, subject to the Following Conditions:**

- A.      Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- B.      A minimum site area of one acre shall be required, with a minimum frontage of 150 feet on a Major Thoroughfare, as designated on the Master Thoroughfare Plan.
- C.      Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from off-street parking areas and drives, at the rate of eight (8) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of twelve (12) feet, and shall be set back at least twenty-five (25) feet from any Residential District.

(Rev. 11-22-93)

- D.      The consumption of food within vehicles parked on the premises is prohibited.

**23.25.02      Drive-up Service Facilities, as Accessory to Principal Permitted Uses Within H-S Districts, Apart from Restaurants, Subject to the Following Conditions:**

- A.      Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- B.      Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of twelve (12) feet, and shall be set back at least twenty-five (25) feet from any Residential District.

(Rev. 11-22-93)

**23.25.03      Outside seating of twenty (20) seats or less for restaurants, or other food service establishments, subject to the following conditions:**

- A.      Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the Chief Building Inspector.
- B.      Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- C.      Outside seating areas shall not occupy required sidewalk or landscape areas.

- D. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.
- E. Applications for outside seating shall be accompanied by the following:
  - 1. Fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the method of delineation proposed.
  - 2. An affidavit signed by the owner of the property on which outside seating is proposed indicating concurrence with the proposed use.
- F. Approval of outside seating shall apply only to the business operation of the applicant and shall be designated by the granting of a Certificate of Approval by the Building Department. Any assignment, transfer, sale of the business, or change of management shall require the granting of a new Certificate of Approval by the Building Department.
- G. An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector, in relation to Zoning Ordinance requirements for outside customer seating, as provided for under sub-paragraph C of this Section. Appeals related to Building Code requirements may be presented to the Building Code Board of Appeals

(03-06-95)

**23.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:**

The following uses may be permitted in H-S Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The Uses shall be established so as to have minimum negative effects on adjacent thoroughfares.
- B. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.
- C. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

**23.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

**23.30.02** Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam

cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

- A. Curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection as measured from the right-of-way lines, existing or proposed, or from adjacent residential property.
- B. The minimum lot area shall be twenty thousand (20,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait, except that automobile service stations intended solely for the sale of engine fuels, oil, and minor accessories and having no facilities for repair or servicing of automobiles may be permitted on lots of less than twenty thousand (20,000) square feet, subject to all other provisions contained herein. In no instance, however, shall such stations have a lot area of less than fifteen thousand (15,000) square feet.
- C. Those automobile service stations which maintain facilities for the repair and servicing of automobiles shall so arrange the building and on-site vehicular movement so that the vehicular entrance to the building shall be from the rear yard or interior side yard, except where the Planning Commission determines that the configuration or other physical features of the site are such as to make such an entrance pattern impractical. Further, all repair operations shall take place within the building.

23.30.03 Auto washes where engine fuels are sold as a significant part of the operation. Such uses shall be subject to the requirements for automobile service stations, and shall be subject further to the provisions of Chapter 71 of the City Code ("Auto Wash-Motor Vehicle Laundry").

- A. Waiting or stacking spaces shall be provided in accordance with Section 40.21.44 of this Chapter.
- B. Drives providing waiting or stacking spaces shall be set back at least twenty-five (25) feet from any Residential District.

(Rev. 11-22-93)

23.30.04 Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure, subject further to the provisions of Chapter 71 of the City Code ("Auto Wash-Motor Vehicle Laundry").

- A. Waiting or stacking spaces shall be provided in accordance with Section 40.21.44 of this Chapter.
- B. Drives providing waiting or stacking spaces shall be set back at least twenty-five (25) feet from any Residential District.

(Rev. 11-22-93)

- 23.30.05 Uses, other than those specified in Section 23.20.06, wherein drive-up service facilities are the sole use of the property, subject to the following conditions:
- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
  - B. A minimum site area of thirty thousand (30,000) square feet shall be required, with a minimum frontage of one hundred (100) feet on a major thoroughfare, as designated on the Master Thoroughfare Plan.
  - C. Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from any off-street parking areas and drives, at the rate of ten (10) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of twelve (12) feet, and shall be set back at least twenty-five (25) feet from any Residential District.
  - D. The consumption of food within vehicles parked on the premises is prohibited.

(11-22-93)

- 23.30.06 Business in the character of a drive-in restaurant, or so-called open front store, subject to the following conditions:
- A. Ingress and egress points shall be located not less than sixty (60) feet from the intersection of any two thoroughfare right-of-way lines, existing or proposed.
  - B. Drive-in restaurants shall not be permitted within three hundred (300) feet of any property zoned for residential use, or used for educational or church purposes. Such distance shall be measured from the point on such land nearest to the contemplated drive-in restaurant site, along a straight line, to the nearest point on the contemplated drive-in restaurant site.
  - C. Drive-in restaurants shall further be subject to the provisions of Chapter 73 of the City Code ("Drive-In Restaurants").

(Rev. 11-22-93)

- 23.30.07 Motel or hotel, subject to the following conditions:
- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
  - B. A minimum site area of three (3) acres shall be required with a minimum frontage of one hundred (100) feet on a major thoroughfare of at least one hundred twenty (120) feet of right-of-way width, existing or proposed.
  - C. Each unit shall contain not less than two hundred (200) square feet of floor area.
  - D. No guest shall establish permanent residence at a motel or hotel for more than thirty (30) consecutive days. (Rev. 11-22-93)

- 23.30.08 Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles subject to the following conditions:
- A. The lot area shall be a minimum of thirty thousand (30,000) square feet, located on a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed.
  - B. The front forty (40) feet of the front setback shall be landscaped and shall not be used for parking or for the display of vehicles.
  - C. The lot area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all water accumulated within the area.
  - D. Ingress and egress points shall be located not less than sixty (60) feet from the intersection of any two thoroughfare right-of- way lines, existing or proposed.
  - E. No major repair or refinishing shall be done on the premises.

(Rev. 11-22-93)

- 23.30.09 Automobile repair garages, provided all activities are conducted within a completely enclosed building. Such uses shall not include the sale of fuels, vehicle body repair, painting, refinishing, tire recapping, auto dismantling, or other such activities whose external effects could adversely extend beyond the property line.

(Rev. 11-22-93)

- 23.30.10 Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

- A. The City Council may approve such outside seating uses for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management shall terminate approval.
- B. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the City Council.
- C. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- D. Outside seating/dining areas shall not occupy required sidewalk or landscape areas. In considering requests for outside seating, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the seating area.

- E. Parking shall be provided for outside seating/dining areas in accordance with applicable provisions of this Chapter. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.
- F. Setbacks for outside seating areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings.
- G. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:
  - 1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.
  - 2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(Rev. 03-06-95)

23.40.00 LOCATION STANDARDS:

(11-22-93)

- 23.40.01 The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:

(11-22-93)

- 23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.

(11-22-93)

- 23.40.03 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

(11-22-93)

### 23.50.00      DEVELOPMENT STANDARDS:

23.50.01      Coincident with an application for development within this District, the applicant shall provide a traffic study indicating the traffic volumes and effects projected as a result of the proposed development, and the proposed means of resolving traffic load problems in the area of the subject property. Said study shall be sealed by a registered engineer specializing in traffic engineering, and reviewed and approved by the City Transportation Engineer.

23.50.02      See Section 40.20.00 for parking requirements.

23.50.03      The Planning Commission may require that sites in this District shall be served by no more than one (1) driveway for each thoroughfare frontage of the subject site.

(11-22-93)

23.50.04      The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

A.      Joint-access driveways or driveways located so as to provide access to more than one site.

B.      Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

(Rev. 11-22-93)

23.50.05      See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 11-22-93)

### 23.51.00      Outdoor Display:

Outdoor display of merchandise for sale or lease on the premises shall be prohibited, unless otherwise provided herein.

23.52.00 Outdoor Storage:

Outdoor storage of merchandise for sale or lease on the premises, automobile accessories, vehicles and the like shall be prohibited, except that such storage may be permitted when enclosed totally within a building, structure, or cabinet, or when totally obscured from abutting thoroughfares by a six foot screening device located at the side or rear of the building. Said storage shall in no case be permitted in the front yard.

23.60.00 ENVIRONMENTAL STANDARDS:

23.60.01 See Article XXXIX, "ENVIRONMENTAL PROVISIONS", for requirements pertaining to walls, landscaping, performance standards and signs.

23.60.02 An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as part of an application for rezoning or site plan approval, whichever shall first occur, which is intended to enable a development of thirty thousand (30,000) square feet of floor area or greater. This provision is also applicable to multi-stage developments whose total building area will ultimately meet or exceed this amount.

(Rev. 11-22-93)

23.80.00 SITE PLAN REVIEW:

All site plans for the development of property in this District shall be subject to the review and approval of the Planning Commission.

23.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

23.90.00 AREA AND BULK REQUIREMENTS:

See Article XXX, "SCHEDULE OF REGULATIONS", limiting the area, bulk, height, and placement of buildings.



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24.00.00      ARTICLE XXIV              O-1 OFFICE BUILDING DISTRICT

(Rev. 10-16-06)

24.10.00      INTENT:

The O-1 Office Building Districts are designed to accommodate office uses, office sales uses, and certain basic personal services. These districts are mapped typically in major shopping center locations related to the activity of the larger establishments generating greater volumes of vehicular and pedestrian traffic. The following regulations shall apply in all "O-1" Districts and no building, structure or premises except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses:

24.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

24.20.00      PRINCIPAL USES PERMITTED:

24.20.01      Office Buildings for any of the following occupations: executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales, subject to the limitations contained below in Sub-section 24.50.00 Development Standards.

24.20.02      Medical office, including clinics.

24.20.03      Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use, subject to the provision of back-up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

24.20.04      Publicly owned buildings, exchanges, and public utility offices.

24.20.05      Medical equipment sales and service.

(10-16-06)

24.20.06      Other uses similar to the above uses.

24.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

24.25.01      Uses customarily supporting or serving the Principal Uses permitted in this District, such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants; provided that these uses are within the building housing the Principal Uses which they support, and provided that there is no direct outside entrance for these uses separate from the entrance serving the Principal Uses. Such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the building complex of which they are a part.

(Rev. 07-22-96)

24.25.02 Data processing and computer centers, including sales support, service and maintenance of electronic data processing equipment. The sales support, service and maintenance functions, shall be accessory or secondary to the Principal Uses permitted in this District, and thus shall not be operated as independent businesses.

(06-03-96)

24.25.03 Technical training uses, when such are accessory or secondary to the Principal Uses permitted in this District, and thus not operated as independent businesses.

Additional parking (in accordance with Section 40.21.32) shall be provided for that floor area devoted to technical training (classrooms) which is in excess of thirty (30) percent of the total area of the Principal Use.

(06-03-96)

24.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in O-1 Districts, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the use by the Planning Commission, or by the City Council where indicated. Before approving any such uses, the Planning Commission or the City Council where indicated, shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development or use of adjacent land and Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

(Rev. 01-25-93)

24.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

24.30.02 Mortuary Establishments subject to the following:

- A. The minimum lot area shall be twenty-five thousand (25,000) square feet and so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession.
- B. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
- C. Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.

- D. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the District when said property line abuts any residential District.
- E. A caretakers residence may be provided within the main building of the mortuary establishment.
- F. Loading and unloading areas used by ambulance, hearses, or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height and said wall, plus any other required walls, shall be further subject to the requirements of Article XXXIX, "Environmental Provisions".

24.30.03 Private Service Clubs Fraternal Organizations and Lodge Halls, Including Accessory Structures and Uses Customarily Incidental to Such Uses, Racquet and Athletic Clubs, subject to the following:

- A. The minimum lot area shall be three (3) acres. In the case of racquet and athletic clubs, a five (5) acre minimum lot shall be required.
- B. The site shall have at least one (1) property line abutting a major or secondary thoroughfare.
- C. All vehicular ingress and egress to the site shall be directly from a major or secondary thoroughfare, except in those instances where the Planning Commission and the City Council find that traffic safety conditions in the area would be improved, while having no adverse effects on adjacent properties, by permitting ingress and egress to streets other than major or secondary thoroughfares.
- D. The minimum distance of any principal or accessory building from any adjacent residential District boundary line or street right- of-way shall be one hundred (100) feet.
- E. The Planning Commission and the City Council shall determine that the nature and design of a building intended for racquet and/or athletic club use is fully compatible with buildings in adjacent or typical office areas, particularly as to exterior design and materials.
- F. Racquet and athletic club facilities shall be permitted only after the further determination by the Planning Commission and the City Council that such are necessary in order to adequately serve the recreation needs of the adjacent area.

24.30.04 Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards) subject to the following:  
(Renumbered: 11-13-06)

- A. The Planning Commission shall determine that operating requirements necessitate the location of such uses within the District in order to serve the immediate vicinity.
- B. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical office areas.

- C. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- D. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
  - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

24.30.05 Mechanical or Laboratory Research Involving Testing and Evaluation of Products, or Prototype or Experimental Product or Process Development.

(Renumbered: 11-13-06)

- A. Such research areas may be permitted only in office buildings developed within areas designated for the use of the Office Development Options, in accordance with Sections 36.00.00 and 36.40.00 of this Chapter.
- B. Such research areas shall occupy no more than twenty-five (25) percent of the gross floor area occupied by any individual or corporate office occupant or tenant, and shall be contiguous with the office area of the occupant or tenant.
- C. Such research areas shall be located and designed so as to minimize any negative impact on adjacent office occupants from effects such as noise, dust, vibration and odor.
- D. Such research activities shall not involve vehicles or engines containing fuel.

- E. Such research activities shall be limited to uses which do not require building construction having a higher fire rating than that required for office uses.

(Rev 05-03-99)

24.30.06 Childcare centers, nursery schools, or day nurseries (not including dormitories), subject to the following conditions:

(Renumbered: 11-13-06)

- A. For each child so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced or screened from adjoining properties in a manner acceptable to the Planning Commission.
- B. The site layout shall be designated so as to minimize vehicular traffic conflicts both on and adjacent to the site and to provide the highest level of pedestrian/child safety within the site.

(06-07-99)

24.40.00 LOCATION STANDARDS

24.40.10 Location Standards: the O-1 (Office Building) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Planning and policies related thereto, and therefore involves the following types of areas:

24.40.11 Areas indicated as low-rise office.

24.40.12 Portions of areas designated as community service centers or neighborhood service centers.

24.40.13 Areas designated for commercial or other non-residential development, or higher intensity office development, when one or more of the following determinations are made:

- A. When the adjacent area and/or the total community would be more effectively served by the application of O-1 zoning than by the application of a commercial or other non-residential zoning District of a more intense office District.
- B. When development in accordance with O-1 zoning would serve as a transitional element and would thus be more compatible with adjacent properties than would development under commercial or other office classifications.

24.50.00 DEVELOPMENT STANDARDS:

24.50.01 No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story, or in the basement.

- 24.50.02 The outdoor storage of goods or materials shall be prohibited.
- 24.50.03 Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.
- 24.50.05 See Section 40.20.00 for parking requirements.
- 24.50.06 The Planning Commission may permit the provision of landscaped area in lieu of and within the area which would otherwise provide for up to twenty (20) percent of the total required parking spaces, subject to the following conditions and findings:
- A.. That the subject office development consists of one or more buildings which together have gross floor area of 50,000 square feet or greater.
  - B. That the proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
  - C. That the owner agrees to install such parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
  - D. That the consequent reduction in off-street parking provided will not impair the functioning of the subject office development or have a negative effect on traffic flow on and/or adjacent to the site.
  - E. That the improvements within the subject landscaped area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
  - F. That the landscaped area thus provided shall be in addition to that required by other provisions of this Chapter.

(Rev. 06-07-99)

- 24.50.07 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:
- A. Joint-access driveways or driveways located so as to provide access to more than one site.
  - B. Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.



No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

24.50.08 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

24.60.00 ENVIRONMENTAL STANDARDS:

24.60.01 See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

24.60.02 An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for rezoning or site plan approval, whichever shall first occur, which is intended to enable a development of fifty thousand (50,000) square feet of floor area or greater. This provision is also applicable to multi-state developments whose total building area will ultimately meet or exceed this amount.

24.70.00 INTENSITY CONTROL:

24.70.01 The intensity of office development within the O-1 (Low-Rise Office) District shall not exceed 15,000 square feet of gross building area per net acre of site area (apart from existing and proposed thoroughfare rights-of-way), not including that portion of the building used for vehicular parking purposes, and basement areas whose functions are limited to mechanical rooms and long term storage. These areas shall not be used for any other purpose. (09-11-00)

24.80.00 SITE PLAN REVIEW:

In an O-1 District, all development proposals shall be subject to the review and approval of the site plan by the Planning Commission.

24.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

24.90.00 AREA AND BULK REQUIREMENTS:

See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

25.00.00      ARTICLE XXV                      O-M MID-RISE OFFICE DISTRICT

25.10.00      INTENT:

The O-M, Office Mid-Rise, District is intended to accommodate office buildings and restricted related retail and service establishments on large land parcels in proximity to areas of major commercial or civic development. Civic development shall mean Civic Center building. Such Districts are intended to provide transition between these areas and major thoroughfares, and areas of less intense development. Because of the large land area involved, it is felt that greater flexibility as to building height and related uses is warranted, as compared to the O-1 (Office Building) District. Because of this flexibility, great care must be taken as to planning of such areas and the development which is to occur within them. Site plan approval of each development is thus a necessity in order to assure that such Districts are fully compatible with adjacent areas. The O-M District is intended to encourage the development of uses and services that will support and enhance the marketability of office buildings in the O-M District, and to preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents.

(Rev. 08-15-05)

25.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

25.20.00      PRINCIPAL USES PERMITTED:

The O-M District shall not be applied to parcels of less than five (5) acres in area. In such Districts, no building, structure or land shall be erected or used except for one or more of the following uses, unless otherwise provided in this Ordinance:

25.20.01      Any use permitted as a principal use in the O-1 Office Building District as established under Article XXV of this chapter.

25.20.02      Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment.

25.20.03      Any use charged with the principal function of office-type research or technical training.

25.20.04      Other uses similar to the above uses.

25.20.05      Accessory structures and uses customarily incident to the above permitted uses.

25.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use. Planning Commission review and approval shall be required when the establishment of such uses involves the construction of a new building or addition to an existing building.

25.25.01      The following uses shall be permitted provided they are included in the office use structure or other principal structures as indicated in Section 25.20.00 "Principal Uses Permitted", or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as freestanding structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal

structures, and shall utilize exterior materials similar to or harmonious with such principal structures.

- A. Personal service establishments which perform services on the premises including, but not limited to: barber shops, beauty parlors, tailor shops, and photographic studios.
- B. Retail business establishments which supply commodities on the premises including, but not limited to: millinery shops, clothing shops, shoe shops, pharmacy or apothecary shops, interior decorating shops, flower shops, office supply and stationery shops, notion and gift shops.
- C. Restaurants or other places serving food or beverage, except those having the character of an open front store, drive-in or carry-out establishment so called.
- D. Entertainment and recreation facilities including, but not limited to: theaters, auditoriums, sports and health facilities.
- E. Clubs, fraternal organizations and service clubs whose activities are not carried on as a business.

Such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the building complex of which they are a part.

25.25.02 Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards) subject to the following:

- A. The Planning Commission shall determine that operating requirements necessitate the location of such uses within the District in order to serve the immediate vicinity.
- B. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical office areas.
- C. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- D. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
  - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

**25.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:**

The following uses may be permitted in O-M Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission, and/or by the City Council where indicated. In acting on such matters, the Planning Commission and/or the City Council shall determine, in their estimation, that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

(Rev. 01-25-93)

**25.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirement of Section 03.30.00.

**25.30.02** Hotels or motels may be permitted by the City Council, following a report and recommendation by the Planning Commission, subject to the following conditions, and subject to the determinations as indicated in Section 25.30.00:

- A. In order to assure consistency with the intent of the O-M District, such establishments, shall be located on sites having a minimum area of five (5) acres, and shall contain a minimum of two hundred (200) units or suites. Such establishments shall include meeting room facilities (apart from convertible sleeping rooms) accommodating a minimum of eight hundred (800) persons, and restaurant facilities accommodating a minimum of two hundred-fifty (250) persons.
- B. Each unit shall contain not less than three hundred (300) square feet of floor area.
- C. No more than ten (10) percent of the guest units may be utilized for the establishment of residence at a motel or hotel for more than thirty (30) consecutive days.

- D. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

The requirements of this section shall not apply to hotels or motels for which building permits were granted prior to June 2, 1983.

25.30.03 Outside seating, assembly, and activity areas for restaurants and hotels, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

- A. The City Council may approve such outside seating uses or activity areas for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management shall terminate approval.
- B. Outside seating areas shall be enclosed by masonry walls or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the City Council. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- C. Setbacks for such outside areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within this District.
- D. Outside seating and activity areas shall not occupy required sidewalk or landscape areas. In considering requests for such outside activity areas, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the outside activity area.
- E. When patron entry to such outside areas is limited to access from the interior of the main building, direct emergency egress shall be provided from these enclosed outside areas.
- F. Provision of such outside areas shall not impair emergency vehicle access to the subject property.
- G. Parking shall be provided for the uses in such outside areas, in addition to that required for uses in the main buildings. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.
- H. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:
  - 1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.

2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(Rev. 03-06-95)

25.30.04 Mechanical or Laboratory Research Involving Testing or Evaluation of Products, or Prototype or Experimental Product or Process Development.

- A. Such research areas shall occupy no more than twenty-five (25) percent of the gross floor area occupied by any individual or corporate office occupant or tenant, and shall be contiguous with the office area of the occupant or tenant.
- B. Such research areas shall be located and designed so as to minimize any negative impact on adjacent office occupants from effects such as noise, dust, vibration and odor.
- C. Such research activities shall not involve vehicles or engines containing fuel.
- D. Such research activities shall be limited to uses which do not require building construction having a higher fire rating than that required for office uses.

(04-19-99)

25.30.05 Free-standing, full service restaurants situated on "pad-sites" or individual out-parcels subject to the following conditions:

- A. Fast food restaurants and restaurants with drive-up windows or service facilities shall be prohibited.
- B. Minimum Gross Floor area of the building shall be 3500 square feet.
- C. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.
- D. Tables and seating for outdoor dining are permitted provided that the maximum seating area does not exceed 25% of the gross floor area of the building and provided that such outdoor areas are situated on a patio surface composed of concrete, pavers, or other similar materials. Such outdoor dining areas shall be partially screened by the use of planters, hedges, walls, fences, landscaping materials or any combination thereof to a minimum height of 36 inches, the design of such screening to be approved by the Planning Commission.
- E. No portion of any outdoor seating area shall be located closer than 300 feet from any residential district. Live or recorded music is prohibited in outdoor seating areas.

- F. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- G. The site shall be designed to ensure a safe and convenient pedestrian connection between the restaurant and the office building.

(08-15-05)

25.30.06 Nursery schools, day nurseries and child care centers (not including dormitories), subject to the following:

- A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with all zone requirements for lot area, building setbacks and parking.
- B. The site shall be designed to ensure a safe and convenient pedestrian connection between the facility and the office building.
- C. The facility shall be licensed with the Family Independence Agency or the appropriate licensing agency, should the licensing duties be provided by another organization.

(08-15-05)

25.40.00 LOCATION STANDARDS:

25.40.01 Location Standards:

The O-M (Office Mid-Rise) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves the following types of areas:

25.40.02 Areas indicated as mid-rise office.

25.40.03 Areas designated for higher intensity office development, when it is determined that the total community would be more effectively and property served by the application of O-M zoning than by the application of a more intense office District.

25.50.00 DEVELOPMENT STANDARDS:

All uses permitted in this District, except for accessory off-street parking, shall be located within fully enclosed buildings. Outdoor storage or display shall be prohibited.

25.50.01 The Planning Commission may permit the provision of landscaped area in lieu of and within the area which would otherwise provide for up to twenty (20) percent of the total required parking spaces, subject to the following conditions and findings:

- A. That the subject office development consists of one or more buildings which together have gross floor area of 50,000 square feet or greater.
- B. That the proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.

- C. That the owner agrees to install such parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. That the consequent reduction in off-street parking provided will not impair the functioning of the subject office development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. That the improvements within the subject landscaped area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
- F. That the landscaped area thus provided shall be in addition to that required by other provisions of this Chapter.

(Rev. 06-07-99)

25.50.02 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

- A) Joint-access driveways or driveways located so as to provide access to more than one site.
- B) Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

25.50.03 See Section 40.20.00 for Parking Requirements.

25.50.04 See Section 39.95.00 of the General Provisions for the Standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

25.60.00 ENVIRONMENTAL STANDARDS:

25.60.01 See Article XXXIX, "Environmental Provisions" for requirements pertaining to walks, landscaping, performance standards, and signs.

25.60.02 An environmental impact statement, according to the provisions of Article VII of this chapter, shall be submitted as a part of an application for rezoning or site plan approval, whichever shall first occur, which is intended to enable a development of fifty thousand



(50,000) square feet of floor area or greater. This provision is also applicable to multi-state developments whose total building area will ultimately meet or exceed this amount.

25.70.00 **INTENSITY CONTROL:**

25.70.01 The intensity of office development within the O-M (Mid-Rise Office) District shall not exceed 20,000 square feet of gross building area per net acre of site area (apart from existing and proposed thoroughfare rights-of-way), not including that portion of the building used for vehicular parking purposes, and basement areas whose functions are limited to mechanical rooms and long term storage. These areas shall not be used for any other purpose. (09-11-00)

25.70.02 The intensity or density of hotel or motel development within the O-M (Office Mid-Rise) District shall not exceed forty (40) units or suites per acre of net site area (apart from existing and proposed thoroughfare rights-of-way).

Other Development standards shall be in accordance with Article XXX, "Schedule of Regulations".

25.80.00 **SITE PLAN REVIEW:**

In an O-M, (Office Mid-Rise) District all development proposals shall be subject to the review and approval of the site plan by the Planning Commission. In their review, the Planning Commission shall consider the following factors:

1. The relationship of the proposed development to the Master Land Use Plan.
2. That all development features including principal buildings and any accessory buildings, open spaces, service roads, driveways and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.

25.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

25.90.00 **AREA AND BULK REQUIREMENTS:**

See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, and providing minimum yard setback requirements.

26.00.00      ARTICLE XXVI              O-S-C OFFICE-SERVICE-COMMERCIAL DISTRICT (09-11-00)

26.10.00      INTENT:

The O-S-C (Office-Service-Commercial) District is designed and intended to accommodate large office buildings and restricted retail and service establishments which serve large numbers of people. A major purpose of this District is to provide limited areas for buildings of greater height and more intensive land use activity in an otherwise low-density community. Because of the greater building height, intensity of land use, and associated high volumes of vehicular and pedestrian traffic, this District is not compatible in conjunction with low-density residential areas. It is therefore intended that this District be located only in proximity to areas of major commercial or civic development, and to major thoroughfares or freeways. The O-S-C District is intended to encourage the development of uses and services that will support and enhance the marketability of office buildings in the O-S-C District, and to preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents. Further, because of the intensity of use and the potential diversification of land uses in such a District, great care must be taken as to the planning of such areas and the development which is to occur within them. Site plan approval of each development is thus an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be established.

(Rev. 08-15-05)

26.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

26.20.00      PRINCIPAL USES PERMITTED:

In an O-S-C District, no building, structure or land shall be erected or used except for one or more of the following uses, unless otherwise provided in this ordinance:

26.20.01      Any use permitted as a principal use in the O-1 office building District as established under Article XXIV of this chapter.

26.20.02      Data processing and computer centers, including sale, service, and maintenance of electronic data processing equipment.

26.20.03      Any use charged with the principal function of office-type research or technical training.

26.20.05      Other Uses Similar to the Above Uses.

26.20.06      Accessory Structures and Use Customarily Incident to the Above Permitted Uses.

26.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions hereinafter imposed for each use:

(03-06-95)

26.25.01      The following uses shall be permitted provided they are included in the office use structure or other principal structures as indicated in Section 26.20.00, "Principal Uses Permitted", or are attached to such structures by means of a fully enclosed structural attachment, and

therefore shall not be permitted as freestanding structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures.

- A. Personal service establishments which perform services on the premises including, but not limited to: barber shops, beauty parlors, tailor shops, and photographic studios.
- B. Retail business establishments which supply commodities on the premises including, but not limited to: millinery shops, clothing shops, shoe shops, pharmacy or apothecary shops, interior decorating shops, flower shops, office supply and stationery shops, notion and gift shops.
- C. Restaurants or other places serving food or beverage, except those having the character of an open front store, drive-in, or carry-out establishment so called.
- D. Entertainment and recreation facilities including, but not limited to: theatres, auditoriums, sports and health facilities.
- E. Clubs, fraternal organizations and service clubs whose activities are not carried on as a business.

Such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the building complex of which they are a part.

26.25.03 Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards) subject to the following:

- A. The Planning Commission shall determine that operating requirements necessitate the location of such uses within the District in order to serve the immediate vicinity.
- B. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical office areas.
- C. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- D. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
  - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent

qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

**26.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:**

The following uses may be permitted in O-S-C Districts, subject to the conditions hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission, and/or by the City Council where indicated. In acting on such matters, the Planning Commission and/or the City Council shall determine, in their estimation, that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

(Rev. 01-25-93)

**26.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

**26.30.02** Hotels or motels may be permitted by the City Council, following a report and recommendation by the Planning Commission, subject to the following conditions, and subject to the determinations as indicated in Section 26.30.00:

- A. In order to assure consistency with the intent of the O-S-C District, such establishments shall be located on sites having a minimum area of five (5) acres, and shall contain a minimum of two hundred (200) units or suites. Such establishments shall include meeting room facilities (apart from convertible sleeping rooms) accommodating a minimum of eight hundred (800) persons, and restaurant facilities accommodating a minimum of two hundred-fifty (250) persons.
- B. Each unit shall contain not less than three hundred (300) square feet of floor area.

- C. No more than ten (10) percent of the guest units may be utilized for the establishment of residence at a motel or hotel for more than thirty (30) consecutive days.
- D. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

The requirements of this section shall not apply to hotels or motels for which building permits were granted prior to June 2, 1983.

26.30.03 Outside seating, assembly, and activity areas for restaurants and hotels, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

- A. The City Council may approve such outside seating uses or activity areas for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management shall terminate approval.
- B. Outside seating areas shall be enclosed by masonry walls or decorative fencing elements, or shall otherwise be physically delineated or limited in a manner acceptable to the City Council. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- C. Setbacks for such outside areas involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within this District.
- D. Outside seating and activity areas shall not occupy required sidewalk or landscape areas. In considering requests for such outside activity areas, the City Council shall encourage the enhancement of landscape areas, where appropriate, in order to improve the environment of the outside activity area.
- E. When patron entry to such outside areas is limited to access from the interior of the main building, direct emergency egress shall be provided from these enclosed outside areas.
- F. Provision of such outside areas shall not impair emergency vehicle access to the subject property.
- G. Parking shall be provided for the uses in such outside areas, in addition to that required for uses in the main buildings. The City Council may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.
- H. The application process for outside seating shall include the following elements in lieu of those indicated in Section 03.30.00:

1. Applications for outside seating shall be accompanied by fully dimensioned plans or drawings indicating the location and layout of the proposed seating area within the subject site, and the delineation method proposed.
2. Notice of the City Council's consideration of a request for outside seating shall be sent by First Class Mail to owners of properties and occupants of businesses abutting the subject outside seating site. Such notices shall be postmarked at least five (5) days in advance of the date of City Council consideration.

(Rev. 03-06-95)

26.30.04 Mechanical or Laboratory Research Involving Testing or Evaluation of Products, or Prototype or Experimental Product or Process Development.

- A. Such research areas shall occupy no more than twenty-five (25) percent of the gross floor area occupied by any individual or corporate office occupant or tenant, and shall be contiguous with the office area of the occupant or tenant.
- B. Such research areas shall be located and designed so as to minimize any negative impact on adjacent office occupants from effects such as noise, dust, vibration and odor.
- C. Such research activities shall not involve vehicles or engines containing fuel.
- D. Such research activities shall be limited to uses which do not require building construction having a higher fire rating than that required for office uses.

(04-19-99)

26.30.05 Free-standing, full service restaurants situated on "pad-sites" or individual out-parcels subject to the following conditions:

- A. Fast food restaurants and restaurants with drive-up windows or service facilities shall be prohibited.
- B. Minimum gross floor area of the building shall be 3500 square feet.
- C. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.
- D. Tables and seating for outdoor dining are permitted provided that the maximum seating area does not exceed 25% of the gross floor area of the building and provided that such outdoor areas are situated on a patio surface composed of concrete, pavers, or other similar materials. Such outdoor dining areas shall be partially screened by the use of planters, hedges, walls, fences, landscaping materials or any combination thereof to a minimum height of 36 inches, the design of such screening to be approved by the Planning Commission.

- E. No portion of any outdoor seating area shall be located closer than 300 feet from any residential district. Live or recorded music is prohibited in outdoor seating areas.
- F. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- G. The site shall be designed to ensure a safe and convenient pedestrian connection between the restaurant and the office building.

(08-15-05)

26.30.06 Nursery schools, day nurseries and child care centers (not including dormitories), subject to the following:

- A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with all zone requirements for lot area, building setbacks, and parking.
- B. The site shall be designed to ensure a safe and convenient pedestrian connection between the facility and the office building.
- C. The facility shall be licensed with the Family Independence Agency or the appropriate licensing agency, should the licensing duties be provided by another organization.

(08-15-05)

26.40.00 LOCATION STANDARDS:

The O-S-C (Office-Service-Commercial) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves property designated for high-rise office use.

26.50.00 DEVELOPMENT STANDARDS:

All uses permitted in this District, except for accessory off-street parking, shall be located within fully enclosed buildings. Outdoor storage or display shall be prohibited.

26.50.02 See Section 40.21.00 for parking requirements.

26.50.03 The Planning Commission may permit the provision of landscaped area in lieu of an within the area which would otherwise provide for up to twenty (20) percent of the total required parking spaces, subject to the following conditions and findings:

- A. That the subject office development consists of one or more buildings which together have gross floor area of 50,000 square feet or greater.
- B. That the proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. That the owner agrees to install such parking, up to the minimum required by Section 40.21.00, at the request of the City of Troy.

- D. That the consequent reduction in off-street parking provided will not impair the functioning of the subject office development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. That the improvements within the subject landscaped area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
- F. That the landscaped area thus provided shall be in addition to that required by other provisions of this Chapter.

(Rev. 06-07-99)

26.50.04 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

- A. Joint-access driveways or driveways located so as to provide access to more than one site.
- B. Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

26.50.05 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

26.60.00 ENVIRONMENTAL STANDARDS:

26.60.01 An Environmental Impact Statement, according to the provisions of Article VII of this chapter, shall be submitted as a part of an application for rezoning or site plan approval, whichever shall first occur, which is intended to enable a development of fifty thousand (50,000) square feet of floor area or greater. This provision is also applicable to multi-state developments whose total building area will ultimately meet or exceed this amount.

26.60.06 See Article XXXIX "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.



26.70.00     INTENSITY CONTROL:

The intensity of office development within the O-S-C (Office-Service-Commercial) District shall not exceed 30,000 square feet of gross building area per net acre of site area (apart from existing and proposed thoroughfare rights-of-way), not including that portion of the building used for vehicular parking purposes, and basement areas whose functions are limited to mechanical rooms and long term storage. These areas shall not be used for any other purpose. (09-11-00)

Other development standards shall be in accordance with Article XXX "Schedule of Regulations".

26.80.00     SITE PLAN REVIEW:

In an O-S-C, (Office-Service-Commercial) District no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission. In their review, the Planning Commission shall consider the following factors:

1.       The relationship of the proposed development to the future land use plan.
2.       That all development features including principal buildings and any accessory buildings, open spaces, service roads, driveways and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.

26.80.01     Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

26.90.00     AREA AND BULK REQUIREMENTS:

See Article XXX; "Schedule of Regulations", limiting the height and bulk of buildings and minimum size of lot by permitted land uses.

27.00.00      ARTICLE XXVII      R-C RESEARCH CENTER DISTRICT

27.10.00      INTENT:

The R-C (Research Center) District is designed to provide for industrial-research and office uses in planned developments. Such districts are to be located and developed so as to complement the significant light industrial character of the community, while at the same time providing for the necessary related non-manufacturing uses such as corporate office and research facilities. The R-C District is intended to encourage the development of uses and services that will support and enhance the marketability of office buildings in the R-C District, and to preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents. Further, the Research Center District is intended to provide for those major industrial-research, and office, and training uses which require proximity to major non-residential areas, rather than for smaller local-serving uses such as medical offices, real estate offices, etc., which could reasonably be located in local commercial and service areas elsewhere in the community.

(Rev. 08-15-05)

27.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

27.20.00      PRINCIPAL USES PERMITTED:

27.20.01      Any use charged with the principal function of basic research, design, and pilot or experimental product development.

27.20.02      Any use charged with the principal function of technical training.

(Rev. 12-11-95)

27.20.03      Office buildings, providing for uses such as corporate offices in accordance with Section 27.10.00 above, including any of the following occupations: Executive; administrative; professional; accounting; engineering; architecture; drafting; writing; clerical; stenographic; and sales provided that no display shall be visible from the exterior of the building, and that the total area devoted to product display, including both the objects displayed and the floor space set aside for the persons observing the displayed objects, shall not exceed fifteen (15) percent of the usable floor area of the establishment.

27.20.04      Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment.

27.20.05      Accessory structures and uses customarily incident to the above permitted uses.

27.20.06      Other uses which would be in line with the intent of the Research Center District (Section 27.10.00) and would thus be similar to and no more objectionable in character than those principal uses permitted.

27.25.00      USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

In an R-C District the following uses shall be permitted subject to the conditions hereinafter imposed for each use.

- 27.25.01 The following accessory uses shall be permitted provided that they are within the building containing the principal uses to which they are accessory, or are attached to said building by means of a fully enclosed climate controlled structural attachment. Structures containing such secondary uses shall be designed so as to provide a logical extension of the floor plan of the principal structures and shall utilize materials similar to or harmonious with such principal structures. Such accessory uses shall, in total, occupy no more than ten (10) percent of the floor area of the building complex of which they are a part.
- A. Personal service establishments which perform services on the premises, including but not limited to: Hair salons, tailor shops, printing or reproduction centers, and photographic studios.
  - B. Retail business establishments which supply commodities on the premises including, but not limited to: millinery shops, clothing shops, shoe stores, pharmacies, flower shops, office supply and stationery shops, notion and gift shops.
  - C. Restaurants or other places serving food or beverage, except those having the character of an open-front store or drive-in.
  - D. Entertainment and recreation facilities, including but not limited to: theaters, auditoriums, sports and health facilities.

(Rev. 06-19-00)

- 27.25.02 Warehouse, distribution and service facilities for uses whose basic operations or business functions occur in other non-residential Districts, subject to the following:
- A. A site involving such uses shall not abut a residential Zoning District.
  - B. Warehouse area shall not exceed 50% of the floor area of any building.

(Rev. 12-11-95)

- 27.25.03 Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards) subject to the following:
- A. The Planning Commission shall determine that operating requirements necessitate the location of such uses within the District in order to serve the immediate vicinity.
  - B. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical office areas.
  - C. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.

- D. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
  - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

**27.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:**

The following uses may be permitted in R-C Districts, subject to the condition hereinafter imposed for each use; and subject further to the review and approval of the use by the Planning Commission, and/or by the City Council where indicated. Before approving any such uses, the Planning Commission and/or the City Council shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its locations.
- C. Nothing herein shall be construed to limit or deny to the City Council the power or authority to reject the proposed use or activity, where in its discretion good cause exists.

**27.30.01** Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

27.30.02 In order to enable a more complete series of research and development activities to occur within a single site, the City Council, following a review and report from the Planning Commission, may permit some applied research assemble activities to occur within establishments on R-C sites, subject to the following conditions, and subject to the findings as indicated in Section 27.30.00:

- A. The site shall have a minimum area of fifteen (15) acres.
- B. The building containing the assembly activities shall be at least three hundred (300) feet from any land zoned for residential use, unless such adjacent residentially zoned land is developed in uses other than residential dwellings.
- C. The building containing the assembly activity shall be set back a minimum of one hundred-fifty (150) feet from any public street. A minimum of one hundred (100) feet of such required yards, abutting public streets shall be landscaped and kept free of parking.
- D. No outside storage or exterior loading docks are permitted.
- E. Assembly activities shall be limited to those involving pre-manufactured finished objects or assemblies. Such operations shall thus not include the fabrication (other than assembly) or machining or forming of metal, plastic, or other materials. The fabrication, machining or forming of metal, plastic, or other materials is however permissible for incidental repair, or as part of product development, experimentation, demonstration, training and provision of customized components. Such parts resulting from said permissible uses may be used in the assembly process.
- F. The floor area devoted to such assembly activities shall at no time exceed forty (40) percent of the total building complex, or forty (40) percent of the space within a building complex which is leased or owned by a single tenant or corporate entity, whichever is less.
- G. The exterior construction and materials used in that portion of a building complex involving assembly activities shall be identical to those used in the office area and other elements of the building complex. Further, the overall building complex and its exterior construction and materials shall be similar to or compatible with adjacent office and/or office-research development.

27.30.03 Free-standing, full service restaurants situated on “pad-sites” or individual out-parcels subject to the following conditions:

- A. Fast food restaurants and restaurants with drive-up windows or service facilities shall be prohibited.
- B. Minimum gross floor area of the building shall be 3500 square feet.
- C. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

- D. Tables and seating for outdoor dining are permitted provided that the maximum seating area does not exceed 25% of the gross floor area of the building and provided that such outdoor areas are situated on a patio surface composed of concrete, pavers, or other similar materials. Such outdoor dining areas shall be partially screened by the use of planters, hedges, walls, fences, landscaping materials or any combination thereof to a minimum height of 36 inches, the design of such screening to be approved by the Planning Commission.
- E. No portion of any outdoor seating area shall be located closer than 300 feet from any residential district. Live or recorded music is prohibited in outdoor seating areas.
- F. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.
- G. The site shall be designed to ensure a safe and convenient pedestrian connection between the restaurant and the office building.

(08-15-05)

27.30.04 Banks, bank branches and financial institutions, subject to the following:

- A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements of the zone.
- B. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- C. Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.
- D. The site shall be designed to ensure a safe and convenient pedestrian connection between the bank and the office building.

(08-15-05)

27.30.05 Nursery schools, day nurseries and child care centers (not including dormitories), subject to the following:

- A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with all zone requirements for lot area, building setbacks, and parking.
- B. The site shall be designed to ensure a safe and convenient pedestrian connection between the facility and the office building.

- C. The facility shall be licensed with the Family Independence Agency or the appropriate licensing agency, should the licensing duties be provided by another organization.

(08-15-05)

27.50.00     DEVELOPMENT STANDARDS:

27.50.01     See Section 40.20.00 for parking requirements.

27.50.02     The Planning Commission may permit the provision of landscaped area in lieu of an within the area which would otherwise provide for up to twenty (20) percent of the total required parking spaces, subject to the following conditions and findings:

- A.     That the subject office development consists of one or more buildings which together have gross floor area of 50,000 square feet or greater.
- B.     That the proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C.     That the owner agrees to install such parking, up to the minimum required by Section 40.21.00, at the request of the City of Troy.
- D.     That the consequent reduction in off-street parking provided will not impair the functioning of the subject office development or have a negative effect on traffic flow on and/or adjacent to the site.
- E.     That the improvements within the subject landscaped area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
- F.     That the landscaped area thus provided shall be in addition to that required by other provisions of this Chapter.

(06-07-99)

27.50.03     The outdoor storage of goods, materials and unlicensed vehicles shall be prohibited.

(Rev. 06-07-99)

27.50.04     The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:

- A.     Joint-access driveways or driveways located so as to provide access to more than one site.
- B.     Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between

properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

(Rev. 06-07-99)

27.50.05 See Section 40.20.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 06-07-99)

27.50.06 The intensity of development within the R-C (Research Center) District shall not exceed 17,500 square feet of gross building area per net acre of site area (apart from existing and proposed thoroughfare rights-of-way), not including that portion of the building used for vehicular parking purposes, and basement areas whose functions are limited to mechanical rooms and long term storage. These areas shall not be used for any other purpose. (09-11-00)

Other development standards shall be in accordance with Article XXX, "Schedule of Regulations".

(Rev. 06-07-99)

27.60.00 ENVIRONMENTAL STANDARDS:

27.60.01 See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

27.60.02 An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for rezoning or site plan approval, whichever shall first occur, which is intended to enable a development of fifty thousand (50,000) square feet of floor area or greater. This provision is also applicable to multi-stage developments whose total building area will ultimately meet or exceed this amount.

27.80.00 SITE PLAN REVIEW:

In an R-C District, all development proposals shall be subject to the review and approval of the site plan by the Planning Commission.

27.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

27.90.00 AREA AND BULK REQUIREMENTS:

See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.



28.00.00      ARTICLE XXVIII      M-1 LIGHT INDUSTRIAL DISTRICT

28.10.00      INTENT:

The M-1 (Light Industrial) Districts are designed to primarily accommodate wholesale, warehouse, distribution and service activities, research and engineering processes, and industrial operations whose external physical effects are restricted to the are of the Districts and are not detrimental to any of the surrounding Districts. The M-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is the intent of this section that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted. The following regulations shall apply to all "M-1" Districts and no building, structure, or premises, except as otherwise provided in this Chapter, shall be erected, altered, or used except for one or more of the following uses.

Uses established within this District shall be permitted on the basis that they functionally require location in the M-1 District, and would thus not be appropriate in or compatible with uses in non-industrial Districts.

28.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

28.20.00      Principal Uses Permitted:

Any of the following uses when the manufacturing, compounding, or processing, or other indicated activity is conducted wholly within a completely enclosed building.

28.20.01      The manufacture, compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.

28.20.02      The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metal or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

28.20.03      The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

28.20.04      Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small moulded rubber products.

28.20.05      Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

28.20.06      Laboratories - experimental, film or testing, and industrial photograph facilities.

28.20.07      Manufacture and repair of electric and neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

## Chapter 39 - Zoning Ordinance

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- 28.20.08 Warehouse and wholesale establishments and truck terminal facilities.
- 28.20.09 Distribution, service, and processing centers for commercial and service uses whose basic operations or business functions occur in other non-residential Districts. Such facilities shall not provide passer-by or retail type services or trade. These provisions shall not be construed to permit uses which are not otherwise permitted in this District.
- 28.20.10 Industrial research, engineering, design, and pilot or experimental product development or manufacturing process development.
- 28.20.11 Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
- 28.20.12 Public utility facilities, buildings, storage yards, and other related uses, including, but not limited to, those which by their nature require location in the M-1 District.
- A. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission as a part of the Site Plan Review process.
1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
- B. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- C. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.
- (Rev. 10-05-98)
- 28.20.13 Trade or industrial schools.
- 28.20.14 Accessory structures and uses customarily incident to the above permitted uses.
- (Rev. 06-24-96)
- 28.20.15 Other uses similar to the above permitted uses.

28.25.00 Conditional Uses Permitted:

The following uses shall be permitted in M-1 Districts, subject to the conditions imposed for each use:

(Rev. 03-23-09)

28.25.01 Accessory or related uses which, by themselves, would not be permitted in the M-1 District. these uses shall be included in the manufacturing, warehouse, or other principal structures, or shall be attached to such structures by means of a fully-enclosed structural attachment, and therefore shall not be permitted as freestanding uses.

A. Accessory service, parts, or incidental retail sales facilities, directly related to the principal use or function within the subject building, may be permitted subject to the following conditions:

1. The total customer area devoted to such accessory uses shall not exceed three (3) percent of the total gross floor area of the subject building, up to a maximum of five hundred (500) square feet.
2. The subject location shall not be advertised in any fashion as a "retail sales" location.

(06-24-96)

28.25.02 Outside storage facilities for materials or equipment necessary for the manufacturing, compounding, or processing activities referred to in Section 28.20.00, and thus clearly accessory to such activities. Outside storage is prohibited in conjunction with warehouse and wholesale establishments. Permitted storage areas shall further be subject to the following conditions:

1. Storage areas shall be totally obscured by a masonry wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare. The extent of such walls may be determined by the Planning Commission based upon the specific use, in conjunction with Site Plan Review. Such walls shall further conform to the standards established in Section 28.30.04, and shall meet all the requirements of Article XXXIX (Environmental Provisions), Section 39.10.00. The height of the items stored shall not exceed the height of the screening walls.
2. Outside storage areas established under this Section shall not include required parking or loading areas, nor shall they restrict or impede access to or through the site.
3. All outside storage areas shall be subject to the approval of the Fire Department as to their location and the nature of the items to be stored.

(Rev. 06-24-96)

28.25.03 The Director of Building and Zoning, by resolution may grant temporary permission for retail sales as an accessory to a wholesale or service facility within an M-1 District. Such permission may be granted for periods not to exceed three (3) days in length within any six (6) month period.

In conjunction with approving such short-term accessory retail sales activities, the Director of Building and Zoning shall find that:

- A. Adequate parking is available on and immediately adjacent to the subject site.
- B. The proposed temporary use will have no negative impacts on adjacent properties.

Any appeals from these provisions may be considered by the City Council, and shall be subject to the procedures and the fees as established by the City Council for Zoning Variances.

(Rev. 01-08-01)

- 28.25.04 Metal Plating, Buffing and Polishing, subject to appropriate measures as determined by the Chief Building Inspector and other applicable governmental agencies, as necessary to control the types of processes in order to prevent noxious results and/or nuisances.

(Rev. 06-24-96)

- 28.25.05 Machinery Assembly Plants, Painting and Varnishing Shops, Lumber and Planing Mills, subject to appropriate measures as determined by the Chief Building Inspector in order to limit noise, dust, odors and other potential nuisances.

(Rev. 06-24-96)

- 28.25.06 Veterinary hospitals, subject to the following conditions:

- A. All activities shall be conducted within a totally enclosed main building. No outdoor dog run areas will be permitted.
- B. A veterinary hospital may include ancillary uses such as overnight boarding, pet grooming and pet obedience training

(02-28-05)

- 28.25.07 Antique or Classic Automobile Sales Agencies for antique or classic automobiles shall be permitted subject to the following:

- A. There shall be no outdoor storage of materials or vehicles.
- B. No automobile repair or service shall be permitted, unless special use approval is granted by the City.
- C. Sales of automobiles on site shall be exclusively limited to antique or classic automobiles; no sales of new or conventional used cars shall be permitted.
- D. Antique or classic automobiles located on site and offered for sale shall be in operable condition.

(04-17-06)

28.25.08 Automobile repair and service facilities, including engine, electrical, and mechanical repair, vehicle body repair, painting, rust-proofing, and auto glass work, subject to the following conditions:

- A. Outside storage or display of vehicles, parts or equipment shall be prohibited unless the applicant receives Special Use Approval per the provisions of Section 28.30.04

(Rev. 03-23-09)

28.25.09 Ambulance facilities, subject to the following conditions:

- A. There shall be a minimum distance of 300 feet between the ambulance facility property and any residential-zoned property.
- B. Incidental uses such as administrative offices, vehicle maintenance and sleeping quarters shall be permitted within the ambulance facility.

(11-13-06)

28.25.10 Automobile rental establishments, including trucks, trailers or recreational vehicles.

- A. There shall be a minimum distance of 300 feet between the automobile rental establishment and any residential-zoned property.
- B. Vehicle maintenance and automobile washing shall occur within fully enclosed buildings.

(05-14-07)

28.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in M-1 Districts, subject to the conditions hereinafter imposed for each use. Each proposed use is subject to review and approval by the Planning Commission, or the City Council, where indicated. Before approving any such uses, the Planning Commission or the City Council shall find that:

- A. The land use activity being proposed is of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and is compatible with the orderly development or use of adjacent land or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

28.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of section 03.30.00.

28.30.02 Mini-Warehouse or Self-Storage Developments, wherein indoor storage areas are made available to the general public, subject to the following conditions:

- A. The Planning Commission shall determine that the site driveway system is designed in a manner which will ensure safe and easy access to all building elements.

- B. Outside storage of materials or vehicles shall be prohibited, except as otherwise provided in this Section.
- C. See Article 40.20.00 for off-street parking requirements. (Rev. 08/23/04)
- D. Commercial and recreational vehicle storage shall be permitted, subject to the following conditions:
  - 1. Outdoor storage spaces shall be provided on the site for all such vehicles, over and above the parking required by Article 40.20.00.
  - 2. The vehicular storage area shall be enclosed within a building or by a masonry obscuring wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare or freeway. The extent of such walls may be determined by the Planning Commission on the basis of usage. Such walls shall not be less than six (6) feet in height and may, depending upon the nature of the storage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article XXXIX, Section 39.10.00, "Environmental Provisions". In instances where the grade of the freeway is more than four (4) feet above the grade of the property, the Planning Commission may permit a landscaped berm at least five (5) feet, in height, in lieu of the above wall. The top of the berm shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. The Planning Commission has the authority under Article 03.31.06 to modify the buffering requirements based on the specific characteristics of the proposed use and the abutting uses.
  - 3. The number of vehicles stored on site shall not exceed one vehicle per one-hundred square feet of interior warehouse space. A vehicle stored on a trailer shall constitute one vehicle for the purpose of applying this formula.
  - 4. Special Use Approval is required in order to permit vehicular storage within an established Mini-Warehouse development.

(08-23-04)

- E. When outside areas are to be used for the storage of vehicles, no repair work or servicing shall be permitted other than that minor repair or servicing necessary to prepare the vehicles for storage or to bring them out of storage. Such storage areas shall meet at least the following minimum standards:
  - 1. A durable dustless surface, consisting of concrete, asphalt, gravel, or crushed stone, designed and drained to meet City Engineering Standards.
  - 2. Storage spaces having minimum dimensions of 10 feet by 20 feet.
  - 3. Driveways shall be designed to provide direct access to all storage spaces and to assure fire safety.

4. The configuration of the storage area and the items to be stored shall be subject to the approval of the Fire Department.

(08-23-04)

- F. Rental of trucks or vans for the purpose of transfer of items stored or to be stored within the Mini-Warehouse development may be permitted, subject to the following conditions:

1. Parking spaces shall be provided on the site for all such trucks or vans, over and above the parking required by Article 40.20.00.

(Rev. 08-23-04)

2. The number of trucks or vans available for lease on the site shall not exceed one (1) for each ten thousand (10,000) square feet of gross warehouse building area.
3. No vehicle repair or servicing shall occur on the site.
4. Separate Special Use Approval action by the Planning Commission is required in order to permit a truck or van rental use within an established Mini-Warehouse development.

- G. Rental of trailers and vehicles other than trucks or vans shall be prohibited.

- H. A manager's apartment may be permitted in order to enable 24-hour surveillance of the development.

(Rev. 01-17-94)

28.30.03 Canning factories (but not including slaughtering or rendering).

28.30.04 Storage facilities for building materials, sand, gravel, stone, lumber, construction contractor's equipment and supplies, vehicles, and recreational vehicles and equipment, provided such is enclosed within a building or within a masonry obscuring wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare or freeway. The extend of such walls may be determined by the Planning Commission on the basis of usage. Such walls shall not be less than six (6) feet in height and may, depending upon the nature of the storage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article XXXIX, Section 39.10.00, "Environmental Provisions". In instances where the grade of the freeway is more than four (4) feet above the grade of the property, the Planning Commission may permit a landscaped berm at least five (5) feet, in height, in lieu of the above wall. The top of the berm shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. Such storage may be permitted when such is a secondary or accessory use in relation to the primary or principal use of the subject property.

Outside storage areas for items as indicated in the previous paragraph may be permitted as the sole or principal use of an industrial site, subject to the obscuring wall or screening provisions of the previous paragraph, and further subject to the following provisions:

- A. Such sites shall be within the interior of industrially-zoned areas, in the sense that they shall have their frontage on and access only to secondary or interior streets, and no frontage on or direct access to major thoroughfares as established by the Master Thoroughfare Plan, and no frontage on a freeway.
- B. Such storage areas shall be set back a minimum of one hundred (100) feet from any public street, so as to place such areas in line with the rear yards of adjacent industrial sites.

This minimum setback area shall be treated in the same manner as conventional M-1 District front yards.

- C. Driveways providing access to such storage areas from their frontage streets shall be paved in the same manner as off-street parking areas, in accordance with Section 40.25.10 of this Chapter.

When outside areas are to be used for the storage of vehicles, no repair work or servicing shall be permitted other than that minor repair or servicing necessary to prepare the vehicles for storage or to bring them out of storage. Such storage areas shall meet at least the following minimum standards:

- A. A durable dustless surface, consisting of concrete, asphalt, gravel, or crushed stone, designed and drained to meet City Engineering Standards.
- B. Storage spaces having minimum dimensions of 10 feet by 20 feet.
- C. Driveways to provide direct access to all storage spaces and to assure fire safety. Junkyards may be permitted, subject to the provisions of this section related to independent storage uses. Such yards shall further be entirely enclosed within a masonry obscuring wall of at least six (6) feet in height and may, depending upon the nature and scale of the storage, be required to be eight (8) feet in height. Said wall shall be constructed around all sides of the junkyard area, and shall be of sufficient strength to serve as a retaining wall.

The configuration of the storage area and the items to be stored shall be subject to the approval of the Fire Department.

(Rev. 05-17-93)

### 28.30.05

New car sales agencies when such agencies are developed as a planned center or complex specializing in new car sales and consisting of more than two individual franchised new car agencies subject further to the following conditions:

- A. The minimum lot area shall be fifteen (15) acres and so arranged that ample space is available for motor vehicles which are required to wait or be stored or parked.
- C. Uses normally accessory to new car sales establishments such as major engine repair or rebuilding, body repair, painting, and undercoating shall be permitted provided such uses are clearly subordinate and incidental to the principal use and provided further that such cases shall be conducted within a completely enclosed building.



- C. Outdoor sales space for used motor vehicles shall be permitted as an accessory use to the principal use of new car sales subject to the requirements of Sub-Section 22.30.01, (B), (C), (D), and (F).

Establishments principally or solely for the sale of used vehicles shall be prohibited.

- D. A site plan drawn to scale indicating the proposed layout of the planned automobile center and showing at least the location of all buildings, roads, access driveways, use areas, and any buildings existing on adjacent property shall be submitted to the Planning Commission for review. No building permit shall be issued until a site plan has been approved by the Planning Commission.

- E. A planned automobile center is a group of more than two individual franchised new car agencies which have coordinated site design and layout and function as a part of the total planned center. The planned automobile center site must include a physical improvement such as a common service roadway (other than the public thoroughfare providing access to the site), a parkway, common pedestrian mall, or patio area which will unify the individual establishments.

Planning Commission shall review the total planned center and not the individual establishments. Two or more automobile dealerships which fail to have coordinated site design and at least one of these elements is not a planned automobile center.

Planning Commission shall only review the total planned center, not individual establishments.

- F. Signs within planned automobile centers shall be in accordance with Chapter 78 of the Troy City Code, the City of Troy Sign Ordinance.

(Rev. 12-05-94)

- 28.30.06 Greenhouse facilities for the growth and production of plant materials, subject to the following conditions:

- A. The site shall have a minimum area of one (1) acre.
- B. No retail sales shall be permitted on the site.
- C. The building coverage provisions of Section 30.20.09 shall not apply to this use.

(Rev. 12-05-94)

- 28.30.07 Automobile Repair and Service Facilities, Including Engine, Electrical, and Mechanical Repair, Vehicle Body Repair, Painting, Rust-Proofing, and Auto Glass Work, Subject to the Following Conditions:

- A. Such sites shall be within the interior of industrially zoned areas. They shall have their frontage on and access only to secondary or interior streets, and no frontage on or access to Major Thoroughfares or Freeways as established by the Master Thoroughfare Plan.

- B. Outside storage or display of parts or equipment shall be prohibited.
- C. Retail sales shall be limited to those items necessary to carry out the vehicle service activities occurring on the site.

The uses permitted by this Section shall not include Automobile Service Stations, as provided for in Section 23.30.02 of this Chapter.

(Rev. 12-05-94)

28.30.08 Commercial Kennels, subject to the following conditions:

- A. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially zoned land which is developed or committed for uses other than the construction of residential dwellings.
- B. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 03-23-09)

28.30.09 Indoor commercial recreation facilities, subject to the following conditions:

- A. Off-street parking requirements shall be determined based on the Zoning Ordinance requirements.

(Rev. 03-23-09)

28.30.10 Retail uses, subject to the following:

- A. The retail use shall not exceed twenty-five percent (25%) of the gross floor area of a building that is used for industrial purposes.
- B. There shall be a functional relationship between the retail use and the industrial use, as determined by one of the following:
  - i. The retail use sells only products, or products directly accessory thereto, that are manufactured or fabricated in the industrial portion of the building.
  - ii. The retail use sells only products, or products directly accessory thereto, that are stored in the industrial portion of the building.
- C. For application B. ii. above, the industrial and retail uses shall have common ownership.
- D. For application B. ii. above, the building shall front on a major thoroughfare as classified on the City of Troy Transportation Plan.

(Rev.: 03-23-09)

28.30.11 Other uses of a similar character to those permitted above, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to

such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.

(Renumbered 10-24-05)

- 28.30.12 Restaurants, including outdoor seating, subject to the following:
- A. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the Planning Commission.
  - B. Access to the outdoor seating area shall be from the interior of the restaurant only.
  - C. Drive through windows shall be prohibited.

(08-06-07)

- 28.30.13 Social service facilities, subject to the following:
- A. Overnight stay is not permitted.

(06-15-09) (Renumbered: 07-06-09)

- 28.50.00 DEVELOPMENT STANDARDS:  
Any use established in the M-1 District after the effective date of this Chapter shall be operated so as to comply with the performance standards set forth hereinafter in Article XXXIX, "Environmental Provisions".

- 28.50.01 See Section 40.20.00 for parking requirements.

- 28.50.02 See Section 39.95.00 of the General Provisions for the Standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

- 28.60.00 ENVIRONMENTAL STANDARDS:  
See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

- 28.80.00 SITE PLAN REVIEW:  
All Site plans for the Development of property in this District shall be subject to the review and approval of the Planning Commission. Site Plans for the expansion of such developments, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Planning Commission. In their review, the Planning Commission shall determine that all development features are located so as to minimize the possibility of adverse effects upon adjacent properties, and so as to relate properly to traffic safety.

- 28.80.01 Persons seeking Site Planning Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

- 28.90.00 AREA AND BULK REQUIREMENTS:  
See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

29.00.00      ARTICLE XXIX              P-1 VEHICULAR PARKING DISTRICT

29.10.00      INTENT:

The P-1 (Vehicular Parking) District is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This District will generally be established to serve a use District which has developed without adequate off-street parking facilities, or on portions of sites where it is intended that building construction will not occur. The following regulations shall apply to all P-1 Districts.

29.10.01      Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

29.20.00      PRINCIPAL USES PERMITTED:

Premises in such Districts shall be used only as off-street vehicular parking areas, and shall be developed and maintained subject to such regulations hereinafter provided.

29.50.00      DEVELOPMENT CONDITIONS:

29.50.01      The parking area shall be accessory to, and for use in connection with one or more businesses or industrial establishments, located in adjacent non-residential Districts. A private driveway, public street, or public alley may separate the P-1 District from the related non- residential Districts.

29.50.02      Such parking areas will be used solely for the parking of private passenger vehicles, for periods of less than one (1) day, and shall not be used as off-street loading areas.

29.50.03      No commercial repair work or service of any kind, or sales or display activity, shall be conducted in such parking areas.

29.50.04      No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking areas.

29.50.05      No buildings other than those for shelter of attendants shall be erected upon the premises, and such buildings shall not exceed 15 feet in height.

29.50.06      Side and Rear Yards:

Where the P-1 District is contiguous with the side and/or rear lot lines of premises within a Residential District, the required screen wall (see Section 39.10.00) shall be located along the common property line.

29.50.07      Front Yards:

Where the P-1 District is contiguous to a Residential District which has common frontage on the same block, or where the P-1 District is across the street from a Residential District, there shall be a front yard setback at least equal to the required residential setback for said Residential District. The required solid screen wall shall be located on this setback line, and shall be of a common or face brick or similar appearing material, or of a masonry material similar to or compatible with that on the front face of the building which the related parking area serves.

29.70.00     DEVELOPMENT INTENSITY:

When P-1 Districts are used in conjunction with and contiguous to development within O-1, O-M, and O-S-C Districts, the P-1 zoned area shall enable development on the related office site to an intensity (gross building area per net acre) not to exceed that of a similar size O-1 zoned area.

29.90.00     PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

P-1 Vehicular Parking Districts shall be developed and maintained in accordance with the requirements of ARTICLE XL, "GENERAL PROVISIONS", Section 40.25.00.

## Chapter 39 - Zoning Ordinance

### 30.00.00 ARTICLE XXX SCHEDULE OF REGULATIONS

#### 30.10.0 SCHEDULE OF REGULATIONS – RESIDENTIAL

	Minimum Lot Size Per Dwelling Unit			Maximum Height of Structures (T)		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings	
	Use District	Area in Sq. Ft.	Width In Ft.	In Stories	In Feet	Front	Sides	Rear				
						Least One	Total Two					
30.10.01	One R-1A One-Family Residential											
	Without Sewer	30,000( A)	150	2½	25(U)	40	15(N)	30	45	1,400	30%	
	With Sewer	21,780 (A)	120	2½	25(U)	40	15(N)	30	45	1,400	30%	
30.10.02	R-1B One-Family Residential											
	Without Sewer	21,780 (A)	110	2½	25(U)	40	15(N)	30	45	1,400	30%	
	With Sewer	15,000 (A)	100	2½	25(U)	40	10(N)	25	45	1,400	30%	
30.10.04	R-1C One-Family Residential											
	Without Sewer	21,780 (A)	110	2	25	30	15(N)	30	40	1,200	30%	
	With Sewer	10,500 (A)	85	2	25	30	10(N)	20	40	1,200	30%	
30.10.05	R-1D One-Family Residential											
	Without Sewer	21,780 (A)	110	2	25	25	15(N)	30	40	1,000	30%	
	With Sewer	8,500 (A)	75	2	25	25	8(N)	20	40	1,000	30%	
30.10.06	R-1E One-Family Residential											
	Without Sewer	21,780	110	2	25	25	15(N)	30	35	1,000	30%	
	With Sewer	7,500	60	2	25	25	5(N)	15	35	1,000	30%	
30.10.07	CR-1 One-Family Residential Cluster					See Section 11.00.00						
	See Section 11.00.00			2	25	25				35	1,000	30%
30.10.08	R-1T One Family Attached Residential					See Section12.50.08						
		7,000	20	2½	25(U)	25(O)	25(O)	40(O)	35(O)	1,000	30%	
30.10.09	R-2 Two-Family Residential											
	Without Sewer	15,000	75	2	25	25	15(N)	30	35	1,000	30%	
	With Sewer	5,000	40	2	25	25	10(N)	20	35	1,000	30%	

## Chapter 39 - Zoning Ordinance

	Minimum Lot Size Per Dwelling Unit			Maximum Height of Structures (T)		Minimum Yard Setback (R) (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings
	Use District	Area in Sq. Ft.	Width In Ft.	In Stories	In Feet	Front	Sides	Rear		
						Least One	Total Two			

30.10.10	<b>R-M Multiple-Family</b> See Section 14.00.00 <b>(Medium Density)</b> (B) (B)	2	25	30(O)	30(O)	60(O)	40(O)	(B) 1-BR-600 2-BR-800 3-BR-1000 4-BR-1200	30%
30.10.11	<b>RM-1 Multiple-Family</b> See Section 15.00.00 <b>(Low Rise)</b> (B) (B)	2	25	30(C)	30(C)	60(C)	30(C)		30%
30.10.12	<b>RM-2 Multiple-Family</b> See Section 16.00.00 <b>(Mid-Rise)</b> (B) (B)	See Section 16.00.00		(C)	(C)	(C)	(C)		25%
30.10.13	<b>RM-3 Multiple-Family</b> See Section 17.00.00 <b>(High Rise)</b> (B) (B)	See Section 17.00.00 (No Max)		(C)	(C)	(C)	(C)		25%

(Rev. 09-27-04)

## Chapter 39 - Zoning Ordinance

### 30.20.00 SCHEDULE OF REGULATIONS - NON-RESIDENTIAL

	Minimum Size Lot Area		Maximum Height of Structures (R) (T)		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Building Floor Area (Sq. Feet)	Maximum % of Lot Area Covered by All Buildings
	Use District	In Square Feet	In Stories	In Feet	Front	Sides	Rear			
					Least One	Total Two				
30.20.01	O-1 Office Building		3	36	30	20	40	20	500	
30.20.02	O-M Office Mid-Rise See Section 25.20.00		(S)	(S)	30(S)	30(S)	60(S)	30(S)	500	
30.20.03	O-S-C Office-Service-Commercial 65,340		(Q)	330(Q)	30(Q)	30(Q)	60(Q)	30(Q)	500	
30.20.04	B-1 Local Business		1	20	25	(E)	(E)	20(H)	500	
30.20.05	B-2 Community Business		2(F)	30(F)	75(FG)	20(FG)	40(FG)	30(FGH)	500	
30.20.06	B-3 General Business		3	40	40	(E)	(E)	30(H)	500	
30.20.07	H-S Highway Service		3	40	40(G)	20(G)	40(G)	30(GH)		
30.20.08	R-C Research Center 43,560		3(F)	40(F)	50(L)	20(K)	40(K)	20(K)	500	
30.20.09	M-1 Light Industrial		3	40	50(L)	10(K)	20(K)	20(K)		40%
30.20.10	P-1 Vehicular Parking		SEE ARTICLE XXIX							

### 30.30.00 SCHEDULE OF REGULATIONS – SPECIAL

	Minimum Size Lot Area		Maximum Height of Structures (R) (T)		Minimum Yard Setback (R) (Per Lot in Feet)			Minimum Building Floor Area (Sq. Feet)	Maximum % of Lot Area Covered by All Buildings
	Use District	In Square Feet	In	In	Front	Sides	Rear		
			Stories	Feet	Least One		Total Two		
30.30.01	R-EC Residential-Elder Care	See Section 19.00.00			See Section 19.00.00				
30.30.03	C-F Community Facilities	See Section 18.00.00	2	25	See Section 18.00.00				
30.30.05	E-P Environmental Protection	See Section 08.00.00			See Section 08.00.00				



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31.00.00      ARTICLE XXXI              SCHEDULE NOTES

31.10.00      INTENT:

31.30.00      SCHEDULE NOTES:

- A.      See Section 34.10.00 and 34.20.00, Lot size variation regarding averaged lot sizes and subdivision open space plan; and Section 34.50.00, Planned Neighborhood Development (Rescinded 04-22-74; See Sections 34.50.01 and 34.50.02).
- B.      In the R-M, RM-1, RM-2, and RM-3 Districts, for the purpose of computing the permitted number of dwelling units per net acre, the following room assignments shall control:

One Bedroom -    2 rooms  
Two Bedroom -    3 rooms  
Three Bedroom -   5 rooms  
Four bedroom --   6 rooms

Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room, shall be evaluated on the basis that such extra or additional room shall count as a bedroom for the purpose of computing density.

- C.      In an R-1T, RM, RM-1, RM-2, or RM-3 District, front, side, or rear yards need not refer to spacing between buildings for a planned development of two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings. In R-1T and RM Districts, this distance shall be no less than forty (40) feet, unless otherwise provided in this Chapter. In RM-1, RM-2, and RM-3 Districts, this distance shall be no less than thirty (30) feet.

The formula for regulating the required minimum distance between two buildings is as follows: (See Diagram 31.30.00-D, following)

$$S = \frac{La + Lb + 2 (Ha + Hb)}{6} \quad \text{where}$$

S =      Required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

La =      TOTAL LENGTH OF BUILDING A.

The total length of Building A is the length of that portion or portions of a wall or walls of Building A from which, when viewed from above, lines drawn perpendicular to Building A will intersect any wall of Building B.

Lb =      TOTAL LENGTH OF BUILDING B.

The total length of Building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to Building B will intersect any wall of Building A.

$H_a$  = HEIGHT OF BUILDING A.

The height of Building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

$H_b$  = HEIGHT OF BUILDING B

The height of Building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

(Rev. 04-10-00)

D.

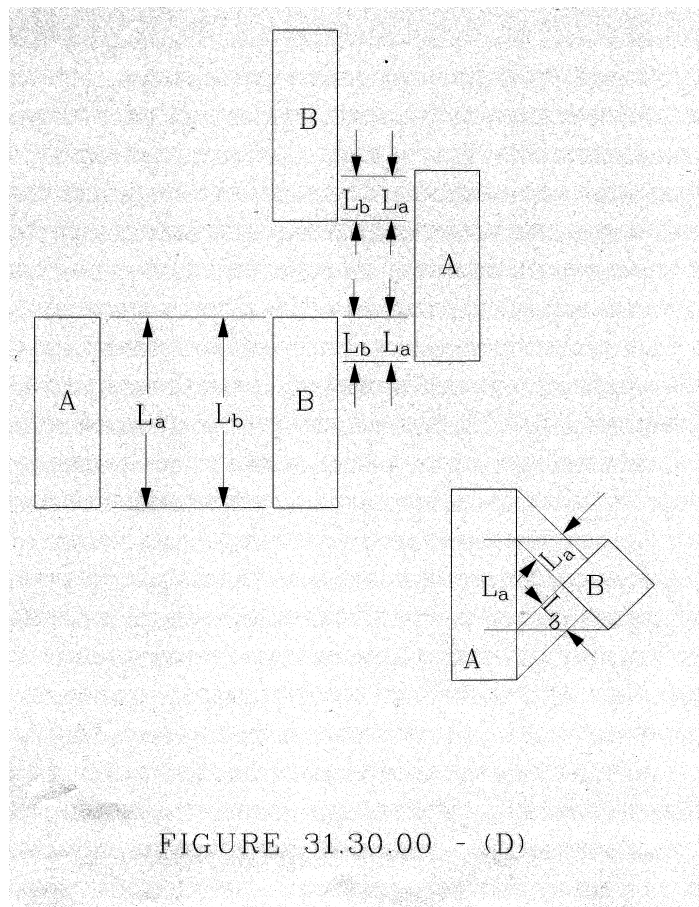


FIGURE 31.30.00 - (D)

- E. Side yards may be reduced to (0) along the interior side lines of the District, or along side lot lines in common with other "B" Districts, if all related conditions of this Chapter are complied with. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

On a corner lot which borders on a Residential District, there shall be provided a setback of twenty (20) feet on the side or residential street. On a corner lot which borders on a non- residential District having frontage on the side or intersecting street the setback on that street shall be at least equal to the front yard setback required on the subject corner lot.

When rear yards include parking, loading or property maintenance facilities, necessary access to same shall be provided by means of at least one side yard drive. Such drives shall have a minimum width of twenty-two (22) feet for two-way service or fifteen (15) feet for one-way service, and shall be kept free of any obstruction.

On an exterior side yard abutting a Residential District there shall be provided a setback of twenty-five (25) feet in width. When an exterior side yard abuts an Office, Research Center, or Industrial District, a minimum setback of ten (10) feet shall be provided.

- F. Planned developments involving five (5) acres or more under one ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modification with respect to height regulations; subject further to the review by the City Council and approval thereof. Increases in structure height to a maximum of five (5) stories or seventy five (75) feet in B-2 Districts, or seven (7) stories or one hundred (100) feet in R-C Districts, may be permitted subject to the determination by the Planning Commission and the City Council that such modifications shall have no negative effects on adjacent properties, and subject to the following minimum yard setback provisions:

1. One and one-half (1 1/2) feet per foot of height in those yards abutting residentially zoned areas.
2. One (1) foot per foot of height in those yards abutting non- residentially zoned areas and thoroughfares.

- G. No building shall be closer than 75 feet from the outer perimeter (property line) of such District, when such abuts a residential District. No side yards are required along the interior side lot lines of the District or along side lot lines in common with other "B" Districts if all related conditions of this Chapter are complied with. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

When rear yards include parking, loading or property maintenance facilities, necessary access to same shall be provided by means of at least one side yard drive. Such drives shall have a minimum width of twenty-two (22) feet for two-way service or fifteen (15) feet for one-way service, and shall be kept free of any obstruction.

The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Service Stations in H-S Districts:

<b><u>Setback</u></b>	<b><u>Canopy Support</u></b>	<b><u>Pump Islands</u></b>	<b><u>Canopy Edge</u></b>
Front	35 ft (any street)	30 ft.	25 ft
Side	20 ft.	20 ft.	10 ft.
Rear	30. ft.	20 ft.	20 ft.

(Rev. 11-22-93)

- H. Off-street loading space shall generally be provided in the rear yard in the ratio of at least one space for each 10,000 square feet of gross building area, or major portion thereof, or one for each establishment in a multi-tenant building not designed to be served by a common loading area, and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of Article XL, "GENERAL PROVISIONS", Section 40.40.00.

Loading spaces may be located in other than rear yards when the Planning Commission determines that such a location would more effectively serve the loading requirements of the subject building or use, in a manner which would have no injurious effects on adjacent buildings and uses.

- K. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such District when said property line abuts any residential District, public street or freeway right-of-way. An obscuring wall shall be provided on those sides of the property abutting land zoned for residential use. Such walls shall not be less than six (6) feet in height, and shall be subject further to the requirements of Section 39.10.00, Article XXXIX, "Environmental Provisions".

When rear yards include parking, loading, property maintenance, or vehicular building access facilities, necessary access to same shall be provided by means of at least one side yard drive. Such drives shall have a minimum width of twenty-two (22) feet for two-way service or fifteen (15) feet for one-way service, and shall be kept free of any obstruction.

- L. This yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.

In the R-C, Research Center District, when such front yards abut a freeway, the Planning Commission may permit a reduction in the depth of the landscaped portion of such yards to a minimum of 20 feet, when it determines that the nature and orientation of the subject building is such that screening through the use of a fully landscaped yard is not necessary, and that a serious development constraint would be created as a result of the standard landscaped yard requirement. In instances where this alternative yard improvement approach is permitted by the

Planning Commission, the minimum Landscaped Open Space area of the site shall be increased by an amount equivalent to at least three (3) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way). This area shall be in addition to the area required by Section 39.70.03, or in addition to the area provided through the provision of a fully landscaped fifty (50) foot deep yard area, whichever is greater.

- N. The side yard abutting upon a street shall not be less than the greater of the side yards required for the District in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the District in which located, and shall be considered as a front yard.

(Rev. 04-12-99)

- O. In an R-1T or R-M District, front, side, or rear yards need not refer to spacing between buildings for a planned development of two (2) or more buildings on the same parcel. In such cases the minimum distance between any two (2) buildings shall be regulated according to the formula contained in Section 31.30.00 (C). This distance shall be no less than forty (40) feet, except as modified by the following provisions relative to the R-1T District:

The Planning Commission may modify the minimum distance between buildings in R-1T Districts in the following manner, when such is not controlled by the formula contained in Sub-section (C) above:

1. The minimum distance between buildings containing no more than two (2) units and having a total length (extending from the subject yard) of no more than sixty (60) feet, may be twenty (20) feet.
2. The minimum distance between buildings containing no more than four (4) units and having a total length (extending from the subject yard) of no more than one hundred-twenty (120) feet, may be thirty (30) feet.
3. The Planning Commission shall determine the appropriate minimum distance between buildings, within the range provided above, when the subject buildings involve combinations of unit counts and/or building lengths.

- P. In R-1T or RM Districts, the maximum horizontal length of any one building shall be one hundred-eighty (180) feet measured along any single front, side, rear, or other exterior wall elevation. See Sections 12.50.00 and 12.60.00 (R-1T District), and 14.50.00 and 14.60.00 (R-M District) for additional yard and setback requirements.

(Rev. 04-10-00)

- Q. Eighty (80) percent of the gross floor area constructed within this District shall be contained in structures having a minimum height of three (3) stories. The minimum

yards shall be thirty (30) feet for buildings, or portions of buildings three stories and thirty (30) feet in height. Additional height shall be permitted provided that the set back is increased to a minimum of fifty (50) feet at the fourth story level and provided further that this fifty (50) foot setback is increased in accordance with items 1 and 2 below.

1. One-half ( $1/2$ ) feet per foot of height over thirty (30) feet.
2. One-quarter ( $1/4$ ) foot per foot of height over thirty (30) feet in those yards abutting a limited access freeway right-of-way.

(Rev. 06-03-02)

- R. Where applicable, yard setbacks shall be measured from the Master Thoroughfare Plan right-of-way of major thoroughfares, as established by the Master Thoroughfare Plan adopted in accordance with Act 285, Public Acts of 1931, as amended. See Article XXXIV, Section 34.20.00, for minimum yard setback dimensions applicable in subdivisions platted and developed under the open-space subdivision plan option.
- S. The minimum yards shall be thirty (30) feet for buildings, or portions of buildings three stories or less and less than thirty (30) feet in height. Buildings, or portions of buildings, up to three stories in height may be constructed up to a maximum height of 75 feet provided that the yards shall be increased in accordance with items 1, 2 and 3 below. Buildings, or portions of buildings, may be constructed to maximum height of five (5) stories or seventy-five (75) feet, provided that the set back is increased to a minimum of fifty (50) feet at the fourth story level and provided further that this fifty (50) foot setback is increased in accordance with items 1, 2 and 3 below.
1. One and one-half ( $1-1/2$ ) feet per foot of height over thirty (30) feet in those yards abutting residentially zoned areas.
  2. One (1) foot per foot of height over thirty (30) feet in those yards abutting non-residentially zoned areas and thoroughfares.
  3. One-half ( $1/2$ ) foot per foot of height over thirty (30) feet in those yards abutting a limited access freeway right-of-way.

(Rev. 06-03-02)

- T. The height of buildings and structures in the vicinity of established publicly owned airport and heliport facilities shall further be subject to the controls of Section 41.60.00.
- U. Residential structure height may be increased beyond twenty-five (25) feet provided the following conditions are met:

1. Heights up to twenty-seven (27) feet shall be approved when attic areas over 2,000 square feet are separated into areas of no more than 2,000 square feet and have no eave or cornice vents directly above exterior openings.
2. Heights over twenty-seven (27) feet and up to thirty-two (32) feet shall be approved when the structure is fully protected with an approved fire suppression system and fire retardant materials are used for roof framing and sheathing.

(Rev. 04-12-99)



## Chapter 39 - Zoning Ordinance

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### 32.00.00      ARTICLE XXXII      ENERGY CONSERVATION DEVELOPMENT OPTIONS

#### 32.10.00      INTENT:

The following Energy Conservation Development Options are intended to promote the health, safety and general welfare of the residents and business people of the City of Troy by;

- Conserving scarce natural resources, thus reducing the waste and its accompanying economic, environmental and social consequences;
- Encouraging the use of alternative energy resources through modification of zoning standards which may otherwise impede their implementation; and,
- Provide for a paramount public concern in relation to energy alternatives.

32.10.01      The Energy Conservation Development provisions contained herein enable optional forms of development and as such can only be implemented if the terms of development, expressed in Site Plans and architectural elevations, are mutually agreeable to both the City and the petitioner. The Planning Commission, and the City Council, in their review of the use of these options, shall take into account the location of the project, the impact upon adjacent properties and uses, and the degree of compatibility with surrounding uses and structures.

32.10.02      The City Council may, after receiving a recommendation from the Planning Commission, and finding little or no negative impact upon surrounding properties, approve such proposals, subject to conformance with applicable standards and Ordinance requirements.

#### 32.20.00      EARTH-SHELTERED STRUCTURES

##### 32.20.01      Definitions:

32.20.02      An "earth-sheltered structure" is a structure for single family residential or business purposes which,

- a. Utilizes earth berms to partially cover exterior walls; or,
- b. Utilizes earth berming to wholly cover exterior walls and roof; or,
- c. A combination of (a) and (b) above.

##### 32.20.03      Suspension of Definition of "Basement":

32.20.04      The term "basement" as defined under Section 04.20.17 of the Zoning Ordinance shall not be applied to proposals for earth-sheltered structures.

32.20.05      The Chief Building Inspector and the Fire Marshall, or their designates, shall review all proposals for earth-sheltered structures to determine the reasonableness and practicality of the application of this energy conservation technique with respect to the standards herein and the applicable Building and Fire Codes.

32.20.06 Earth berms and associated retaining walls shall be allowed to intrude or project into required yards, except that in no instance shall the base of earth berms or any retaining walls be closer than:

Five (5) feet to a side lot line;

Twenty-five (25) feet to a front lot line; or,

Fifteen (15) feet to a rear lot line.

Sites including such berms or walls shall be designed so as to have drainage characteristics which conform to all applicable Engineering Design Standards.

32.20.07 Earth berms shall not be included in the computation of maximum lot coverage.

32.20.08 Earth-sheltered structures may be permitted in the following Districts:

R-1A thru R-1E	----- Single Family Residential Districts;
C-F	----- Community Facilities District;
B-1	----- Local Business District;
B-2	----- Community Business District;
B-3	----- General Business District;
O-1	----- Office Building District;
M-1	----- Light Industrial District; and,
R-C	----- Research Center District;

32.20.09 All proposals for earth-sheltered structures utilizing these Development Option provisions shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission.

32.30.00 **ACTIVE AND PASSIVE SOLAR ENERGY STRUCTURES**

32.30.01 **Definitions:**

32.30.02 **Passive Solar Energy Structure:**

A structure which uses natural and architectural components to collect and store solar energy without using external mechanical energy.

32.30.03 **Active Solar Energy Structure:**

A structure which utilizes mechanically-operated solar collectors to collect, transfer or store solar energy.

32.30.04 **Solar Collector:**

A device or combination of devices, structures, or parts thereof, that collects, transfers or transforms direct solar, radiant energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply. In addition to such functions, solar collectors may also serve as a part of a structure's roof, wall, window or other structural member.

## Chapter 39 - Zoning Ordinance

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32.30.05 Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications, except when such solar devices or architectural features project into required yards, or are free-standing elements in the required yard, the standards herein shall apply subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission.

32.30.06 Yards may be modified to permit solar collectors according to the following schedule, which indicates the minimum distance between the solar collector, regardless of type, and the property line.

<u>District</u>	<u>Front Side Yard</u>	<u>Rear Yard</u>	<u>Yard</u>
R-1A thru R-1E	25'	5'	5'
CR-1, R-1T, R-2	20'	5'	5'
R-M, RM-1, RM-2, RM-3	15'	10'	15'
B-1, B-2, B-3, H-S	15'	10'	10'
O-1, O-M, O-S-C, C-F	20'	10'	10'
M-1, R-C	30'	10'	10'

32.30.07 Maximum Height of Structure:

Solar collectors, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Concentrating or tracking solar collectors, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed a height of forty (40) feet.

32.30.08 Lot Coverage:

Solar collectors, regardless of type, when abutting the principal or any accessory structure, or freestanding, shall not be counted in the determination of maximum allowable lot coverage.

Solar greenhouses and similar heat traps, while being habitable spaces integrated into the structure, shall be included in the calculation of lot coverage at one-third (1/3) of their actual square foot area provided that not more than twenty (20) percent of their thermal mass, or transferring medium, is obscured from the radiant energy of the sun by other architectural elements. (Such obscuration being calculated at a solar declination of 22 degrees, due south.)

32.30.09 Site Plan Review:

All proposals for utilization of either active or passive solar energy devices utilizing these Development Option provisions shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission.

## Chapter 39 - Zoning Ordinance

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### 32.40.00 WIND SYSTEMS AND ASSOCIATED STRUCTURES

#### 32.40.01 Definitions:

#### 32.40.02 Small Wind Energy Converter:

(SWEC) is a device or an assemblage of devices which directly converts wind energy to usable thermal, mechanical, or electrical energy. A SWEC may include windmills or wind turbines, towers and supporting structures. Generators/alternators, AC/DC inverters, storage batteries and associated control equipment may be included provided that they are directly connected to and necessary for the operation of the SWEC.

#### 32.40.03 Wind Scoop: is an architectural device extended vertically from a principal structure for the purpose of capturing winds and channeling such air movement for cooling or ventilating purposes.

32.40.04 Small wind energy converters and wind scoops shall be permitted in all zoning classifications provided that:

32.40.05 The devices conform to the Zoning Ordinance standards as modified herein; and,

32.40.06 Structural certification is provided to the City of Troy Building Department indicating that the proposed structural elements are capable of supporting the device and withstanding wind velocities of seventy (70) M.P.H., such determinations being required to assure the proper protection of adjacent buildings and structures.

32.40.07 Yards may be modified to permit wind energy converters and wind scoops according to the schedule in Section 32.30.06.

#### 32.40.08 Maximum Height of Structures:

32.40.09 The maximum height of structures shall be modified to permit wind generators and wind scoops as follows:

<u>Wind Generators</u>	<u>Maximum Allowable Height</u>
Residential Districts	50'
Non-Residential Districts	75'
<u>Wind Scoops</u>	
Residential Districts	35'
Non-Residential Districts	20' above the principal roof

#### 32.40.10 Ground Clearance:

The rotational elements of all wind generators shall maintain a twenty (20) foot clearance from the ground.

#### 32.40.11 Lot Coverage:

Structures used to support wind generators or house the accessory equipment for same shall not be considered in the calculation of maximum lot coverage.

- 32.40.12     Site Plan Review:  
All proposals and Site Plans for utilization of wind generators utilizing these Development Option provisions shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission.
- 32.40.13     Applications for the construction of wind energy converters utilizing these Development Option provisions, in residentially zoned areas, shall be accompanied by an affidavit signed by the owners of record of at least fifty (50) percent of the lots or parcels abutting the subject site, indicating that they do not object to the proposed construction.
- 32.50.00     SOLAR ACCESS EASEMENTS
- 32.50.01     Definitions:
- 32.50.02     Solar Energy:  
Radiant energy (direct, diffuse, and reflected) received from the sun.
- 32.50.03     Solar Skyspace:  
The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
- 32.50.04     Solar Access Easement:  
A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Troy Building Department.
- 32.50.05     Solar Access Easement Agreement:  
A typical form of Solar Access Easement Agreement will be available in the Troy Planning Department, although alternate forms accomplishing the same purpose may be acceptable. These Agreements shall be entered into by and between private parties. All Solar Access Easement Agreements are to be accompanied by a Plot Plan, prepared by a registered Civil Engineer or Land Surveyor, indicating all structures, trees or other vertical elements by type and height elevation.

34.00.00      ARTICLE XXXIV      RESIDENTIAL DEVELOPMENT OPTIONS

34.10.00      AVERAGED LOT SIZES:

The intent of this Section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in ARTICLE XXX "SCHEDULE OF REGULATIONS", for each One-Family Residential District excepting the R-1E District. If this option is selected, the following conditions shall be met:

34.10.01      In meeting the average minimum lot size, no lot area or width shall be reduced by more than ten (10%) percent of that area or width required in the "SCHEDULE OF REGULATIONS".

34.10.02      The number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot area required for the District under ARTICLE XXX "SCHEDULE OF REGULATIONS". In this regard, the following maximum gross densities (including roads) shall not be exceeded:

R-1A = 1.6 dwelling units per acre  
R-1B = 2.2 dwelling units per acre  
R-1C = 3.1 dwelling units per acre  
R-1D = 3.8 dwelling units per acre

34.10.03      The technique of averaging minimum lot size shall be acceptable only in the instances wherein the entire preliminary plat, which has received City Council approval, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.

34.10.04      All computations showing lot area and the average area resulting through this technique shall be indicated on the print of the preliminary plat.

34.20.00      SUBDIVISION OPEN SPACE PLAN:

The intent of this Section is to permit one-family residential subdivisions to be planned as a comprehensive unit allowing, therefore, certain modifications to the standards as outline in ARTICLE XXX, "SCHEDULE OF REGULATIONS" to be made in the One-Family Residential Districts when the following conditions are met:

34.20.01      Lot dimensions in R-1A, R-1B, R-1C and R-1D One-Family Residential Districts, with sewers, may be reduced in accord with the following schedule, provided the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas required for each One-Family District under ARTICLE XXX, "SCHEDULE OF REGULATIONS". To insure that the intent of this Section is met, submittal of proposed plats under this option shall be accompanied by the submittal of an alternate plat of the same land laid out in accordance with Section 34.10.00. The density of the subdivision proposed under the Subdivision Open Space Plan approach shall then not exceed the density indicated on this alternate plat and in no event shall the maximum gross density (including roads) exceed the following factors:

## Chapter 39 - Zoning Ordinance

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R-1A = 1.6 dwelling units per acre  
R-1B = 2.2 dwelling units per acre  
R-1C = 3.1 dwelling units per acre  
R-1D = 3.8 dwelling units per acre

34.20.02 Minimum lot dimensions shall be as follows:

<u>Use District</u>	<u>Lot Width</u>	<u>Lot Depth (in Feet)</u>	
	<u>Interior Lots</u>	<u>Corner Lots</u>	
R-1A	100	115	140
R-1B	80	105	135
R-1C	70	95	125
R-1D	60	80	125

Lot dimensions shall further reflect the requirements of Section 10.60.02 of this Chapter, and Section 4.02-A-5 of Chapter 41 (Subdivision Control Ordinance).

In areas where the street system of the proposed subdivision ties into that of adjacent residential areas, the lot dimensions in the area immediately adjacent to the street connections shall be adjusted so as to be compatible with those of abutting lots.

34.20.03 Each lot shall have at least the following minimum yards:

<u>Use District</u>	<u>Minimum Yard Setback</u> (per lot in feet)			
	<u>Front</u>		<u>Side</u>	<u>Rear</u>
	Least One		Total Two	
R-1A	35	10.0	25	35
R-1B	35	10.0	20	35
R-1C	30	(8.0*)	(20*)	35
R-1D	25	5.0	15	35

These setbacks shall further be subject to the provisions of Section 10.60.02 and 30.30.00 (n). (\*These side yard requirements shall apply to subdivisions for which Tentative Preliminary Approval is granted after January 1, 1977.)

34.20.04 For each square foot of land gained, under the provisions of item 34.20.01 above, of this Section 34.00.00, within a residential subdivision, through the reduction of the lot size below the minimum requirements as outlined in ARTICLE XXX "SCHEDULE OF REGULATIONS", at least equal amounts of land shall be dedicated to the common use of the residents of the adjacent area in a manner approved by the City of Troy. These dedications shall be retained as open space for park and recreation use. Such open space may, if acceptable to the City Council, be donated and dedicated to the City of Troy for public park and recreation uses.

In those park or open space areas dedicated to the City, improvements over and above those provided by the subdivision developer will be subject to the timing and nature of improvement limitations of established City park improvement programs.

34.20.05 The area to be dedicated for park and recreation purposes shall be a minimum of four (4) acres and shall be in a location and shape approved by the Troy Planning Commission. The Planning Commission and the City Council may modify this minimum area requirement, with a consequent increase in related lot areas, on subdivisions having a total area of 40 acres or less, when it is determined that such a modification will result in a subdivision plan which would be to the benefit of the ultimate residents, more compatible with the adjacent area, and that the resultant open space area will adequately serve the needs of the subject subdivision. In no instance, however, shall the area dedicated for park and recreation purposes be less than three (3) acres.

Said land areas shall not include as a part of their minimum required land area (see 34.20.04 above) swamps or excessive grades making the land unusable for recreation, and shall be so graded and developed as to have natural drainage. This open space area may include bodies of water, when the lands abutting said bodies of water are developed for park or open space purposes for the common use of the residents of the adjacent area. The open space area may include flood plains, with the countable area being that above the "ten year storm" level.

34.20.06 Where the open space area to be dedicated for park and recreation use consists of more than one separate parcel, at least one of these separate parcels shall contain not less than four (4) acres in area, except as modified by Section 34.20.05 above. A parcel divided by a river or stream shall be considered as one parcel.

34.20.07 Access shall be provided to area dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian access-ways.

34.20.08 In approving the application of the Subdivision Open Space Plan technique, the Troy Planning Commission and the City Council must be cognizant of the following objectives:

1. To provide a more desirable living environment by preserving the natural character of stands of trees, brooks, lakes, flood plains, land relief, and similar natural assets, in Environmental Preservation Areas as indicated on the Master Land Use Plan.
2. To encourage developers to use a more creative approach in the development of residential areas involving these significant natural and environmental features, or man-made features which may have an impact on residential development.
3. To encourage a more efficient and aesthetic subdivision design while recognizing a reduction in development costs by allowing the developer to bypass and preserve natural features and obstacles in the site.
4. To encourage the provision of such open space areas in a generally central location when feasible and within a reasonable distance of all lots in the area.



5. To encourage the provision of park areas where such are designated on the Master Land Use Plan, but could not otherwise be provided except at major public expense.
- 34.20.09 This Subdivision Open Space Plan shall only be permitted if mutually agreeable to the Legislative Body and the subdivider or developer, and is offered as an alternate to the requirements of minimum lot size specified in ARTICLE XXX, "SCHEDULE OF REGULATIONS".
- 34.20.10 Under this Subdivision Open Space Plan approach, the developer or subdivider shall dedicate the total park area as herein before set forth prior to the time of filing of the final plat on all or any portion of the subject subdivision. Exceptions to this requirement may be granted by the City Council only in those instances where a minor portion of the park area is not contiguous with the portion of the plat being filed for Final Approval. In this instance, the park area to be dedicated shall be at least equal to that required in conjunction with the lots involved in that portion of the subdivision filed for Final Approval.
- 34.20.11 The park area (s) established in conjunction with these provisions shall be maintained by the owners of same, in a neat and orderly fashion, and in a manner consistent with the nature and location of the open space area and its improvements. Maintenance shall be carried out, at least to the level specified by related portions of the City Code, in order to assure that such park and open space areas shall be a benefit to the owners of same, and that no public nuisance condition shall be created.
- 34.20.12 The modifications permitted under this Subdivision Open Space Plan approach shall not be applied in conjunction with the modifications permitted under Section 34.10.00, Averaged Lot Sizes.
- 34.30.00 UNPLATTED ONE-FAMILY RESIDENTIAL DEVELOPMENT  
It is recognized that Michigan Statutes provide for the implementation of developments consisting of one-family detached residential dwelling units and sites, through procedures other than those enabled by the Subdivision Control Act (Act 288, Public Acts of 1967, as amended). The intent of this Section is to provide procedures and standards for review and approval or disapproval of such developments, in order to insure that they will be consistent and compatible with other one-family residential developments in the community, and not detrimental to the orderly development of the adjacent area.
- For the purpose of this Section, "Unplatted One-Family Residential Development" shall include proposed developments consisting of two or more single family detached residential structures on a single parcel, which could not otherwise be implemented through parcel splitting in accordance with Article VI of Chapter 41 of the City Code. Unplatted One-Family Residential Developments would therefore include developments implemented under Act 229 of Public Acts of 1963, as amended (the "Horizontal Real Property Act").
- 34.30.01 Plans submitted for proposed Unplatted One-Family Residential Development shall indicate specific parcel dimensions allocated to each residential structure. These parcel dimensions shall be at least equal to those prescribed by Section 34.10.00 for the applicable R-1 Zoning District. The average parcel area shall be at least equal to the standard lot size as prescribed by Article XXX (Schedule of Regulations).

34.30.02 The maximum gross density (including roads) shall not exceed the following:

- R-1A = 1.6 dwelling units per acre
- R-1B = 2.2 dwelling units per acre
- R-1C = 3.1 dwelling units per acre
- R-1D = 3.8 dwelling units per acre
- R-1E = 4.2 Dwelling Units Per Acre

34.30.03 Yards Setbacks, including those from Public streets, Private Streets, or Private Street Easements, shall be at least equal to those prescribed by Article XXX (Schedule of Regulations).

34.30.04 Principal access and circulation through Unplatted One-Family Residential Developments shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential parcels may have their sole frontage, may be provided by 28 foot wide streets constructed to City Public Street Standards, within 40 foot Private Easements for Public Access.

Principal access to an Unplatted One-Family Residential Development of five (5) acres or less in area may be provided by way of 28 foot wide streets constructed to City Public Street Standards, within 40 foot Private Easements for Public Access, when in the opinion of the City Council the property configuration is such that the provision of 60 foot Public Rights-of-Way would be overly restrictive and would make the provision of conforming dwelling unit parcels impractical.

All entrances to major or secondary thoroughfares shall include deceleration, acceleration and passing lanes as required by Engineering Standards of the City of Troy.

Sidewalks shall be constructed, in accordance with City Standards, across the frontage of all dwelling unit parcels. Utilities shall be placed within Street Rights-of-Way, or within Easements approved as to size and location by the City Engineer.

34.30.05 All Unplatted One-Family Residential Developments shall be served by public water, sanitary sewer, storm sewer and detention/retention systems constructed to City Standards, at the expense of the developer. Easements over these systems shall be conveyed and recorded before occupancy permits are issued for dwelling units.

34.30.06 Plan Review and Approval Procedure:

The review and approval of plans for Unplatted One-Family Residential Development shall occur in two stages; Preliminary Plan Approval, and Final Plan Approval.

A. Preliminary Plan Approval:

Preliminary Plans for Unplatted One-Family Residential Developments shall be submitted to the Planning Commission for review and recommendation to the City Council. The City Council shall have final authority for approval of the Preliminary Plan. The City Council's approval shall be effective for a period of one year, during which time the petitioner is authorized to prepare and submit construction plans for site improvements and utilities, along with the Final Plan for the Unplatted One-Family Residential Development.

B. Preliminary Plan Content:

The Preliminary Plan shall include the street pattern and fully dimensioned residential parcel layout, including proposed building configurations. A preliminary sanitary sewer, storm sewer, and water main layout shall also be submitted, along with a Preliminary Environmental Impact Statement in accordance with Section 07.11.00 of this Chapter.

C. Final Plan Approval:

Final Plans for Unplatted One-Family Residential Developments shall be submitted to the City for administrative review and recommendation to the City Council. The City Council shall have final authority for approval of such Final Plans, which must occur prior to any construction on the site. Final Plans shall consist of fully dimensioned plans of the total property proposed for development, as prepared by a Registered Civil Engineer or Land Surveyor. Final Plans shall indicate the corners of all proposed residential parcels, and such other points as may be necessary to determine that the potential parcel and building configurations will conform with applicable Ordinance requirements. Final Plans shall be accompanied by the following materials or information:

1. Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards.
2. Floor Plans and Elevations of the proposed residential units.
3. Warranty Deeds and Easement documents, in recordable form, for all Rights-of-Way and Easements which are to be conveyed to the public in conjunction with implementation of the proposed Final Plan.

Following review and approval of construction plans for utilities and street improvements, and approval of the related elements of the Final Plan by the Engineering Division, the City Engineer shall prepare and submit a detailed summary of required financial guarantees to insure the construction of required improvements, and the placement of proper property and parcel monuments and markers. Such financial guarantees shall then be furnished by the petitioner, in a form acceptable to the City Manager, prior to submittal of the Final Plan to the City Council for review and approval. The City Engineer's certification of construction plan approval and evidence of the required financial guarantees, along with recommendations from other related City Staff as determined by the City Manager, shall then be submitted with the Final Plan to the City Council for their review, approval, conditional approval, or disapproval.

E. Construction:

Construction of utilities, streets, and other site improvements can begin only after City Council approval of the Final Plan for an Unplatted One-Family Residential Development.

No Building Permits for residential structures may be granted until permanent residential parcel monuments or markers acceptable to the City Engineer and Chief Building Inspector are in place.

No Occupancy Permits for residential structures may be granted until all utility and street improvements and related rights-of-way or easements have been accepted by the City, in accordance with Engineering Division procedures.

34.50.00 PLANNED NEIGHBORHOOD DEVELOPMENT:

34.50.01 INTENT: The intent of this Section is to preserve to the citizens of Troy who are property owners in the area of the City commonly known as the "Northfield Hills Development", the owners of the land known as Northfield Hills Development, and to the City of Troy all rights and regulations inherent in the heretofore rescinded ordinance known as the Planned Neighborhood Development, being Sections 35.50.01 through 35.54.00, and to recognize that the subject development is the only development heretofore approved under the terms and conditions of said ordinance, and said development is not completed as of the date of the rescission of the Planned Neighborhood Development Ordinance.

34.50.02 Retention of Deleted Language: The provisions of Sections 35.50.00 through 35.54.00 shall remain within Section 39 of this Code and shall remain in effect for the purposes of preservation of the vested rights of the property owners of and within the development heretofore approved and the City of Troy, and for enforcement of those regulations contained within the rescinded Ordinance necessary to the final completion of the planned neighborhood development known as Northfield Hills as approved by the Troy City Council, it being the intent hereof that Sections 35.50.00 through 35.54.00 shall continue to apply to the Northfield Hills developments.

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One-Family Residential zoning districts.

34.60.01 The following objectives are the intent of the proposed Open Space Preservation Plan:

- A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.
- B. To encourage developers to use a more creative approach in the development of residential areas.
- C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.
- D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.
- E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

- 34.60.02     Application Information Requirements: The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:
- A.    A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:
    - 1.     Legal description of dedicated open space, including dedicated easements.
    - 2.     Topographical survey of dedicated open space.
    - 3.     Types of soil in dedicated open space.
    - 4.     Description of natural features on dedicated open space.
    - 5.     Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.
  - B.    The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:
    - 1.     The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
    - 2.     The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.
    - 3.     The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.
- 34.60.03     Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:
- A.    The land is zoned for R-1A or R-1B residential development.
  - B.    The percentage of land area specified in Section 34.60.06.A below must remain in a perpetually undeveloped state.
  - C.    The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.
  - D.    The option has not previously been exercised on the parcel.
- 34.60.04     Dwelling Unit Density:
- A.    The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a “parallel plan”.

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable One-Family zoning district.
2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

34.60.05 Regulatory Flexibility: To comply with the “open space preservation” provisions of the Michigan Zoning Enabling Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

- A. Overall density shall not exceed the number determined in the parallel plan.
- B. Setback provisions shall be as follows:
  1. Setback requirements for main buildings at the perimeter of the development shall be equal to existing, underlying zoning.
  2. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings.

The minimum setbacks shall be as follows:

Front 25'  
Rear 35'  
Sides 10'
- C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.
- D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

(Enacted: 09-18-06; Effective: 10-01-06)

34.60.06 Open Space Requirements:

- A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section E below. As used in this section, “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an

undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this

section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. The required open space shall be accessible to all residents of the Open Space Preservation development or the City of Troy.

- B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.
- C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:
  - 1. Area proposed as single-family residential lots.
  - 2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.
  - 3. The area of any street right-of-way or equivalent private road easement.
- D. Location of Open Space: Common open space shall be planned in locations accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces.
- E. Protection of Open Space:
  - 1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on

or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the dedicated open space.
  - b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

(Rev. 11-18-02)

34.70.00 ONE-FAMILY CLUSTER OPTION

34.70.01 The One-Family Cluster Option is offered as an alternative to traditional residential development for the purpose of:

- A. Encouraging the use of property in accordance with its natural character.
- B. Assuring the permanent preservation of open space and other natural features.
- C. Providing recreational facilities and/or open space within a reasonable distance of all residents of the One-Family Cluster development.
- D. Allowing innovation and greater flexibility in the design of residential developments.
- E. Facilitating the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
- F. Ensuring compatibility of design and use between neighboring property.
- G. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

(01-10-05)



34.70.02

Eligibility Criteria:

To be eligible for One-Family Cluster consideration, the applicant must present a proposal for residential development that meets each of the following subsections (A-H):

A. Recognizable Benefits:

One-Family Cluster shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the City. The recognizable and substantial benefits can be provided through site design elements that are in excess of the requirements of this Ordinance, such as extensive landscaping, the inclusion of a transition area from adjacent residential land uses, and preservation of individual trees, wetlands (regulated and non-regulated), woodland areas and open space.

B. Open Space:

The proposed development shall provide at least one of the following open space benefits:

1. Significant Natural Features: Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve these natural features which might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the Planning Commission and City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.
2. Recreation Facilities: If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development. Recreational facilities that are less pervious than natural landscape shall not comprise more than fifty (50) percent of the open space. The determination of whether the site has significant natural features shall be made by the Planning Commission and City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.
3. Creation of Natural Features: If the site lacks significant natural features, a proposed development may also qualify if the development will create significant natural features such as wetlands. The determination of whether the site has significant natural features shall be made by the Planning Commission and City Council after review of a Site Analysis

Plan, prepared by the applicant, that inventories these features.

C. Guarantee of Open Space:

The applicant shall provide documentation to guarantee to the satisfaction of the Planning

Commission and City Council that all open space portions of the development will be maintained as approved and that all commitments for such maintenance are binding on successors and future owners of the subject property. All such documents shall be subject to approval by the City Attorney. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City, and that the continued maintenance guarantees remain satisfactory to the City, and the land uses continue as approved in the One-Family Cluster development.

D. Cohesive Neighborhood:

The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be reasonably accessible to all residents of the development.

E. Unified Control:

The proposed development site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. All documents shall be subject to the review and approval by the City Attorney.

F. Density Impact:

The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

G. Future Land Use Plan:

The proposed development shall be consistent with the Future Land Use Plan.

H. Zoning:

The land is zoned for R-1A, R-1B, R-1C, R-1D or R-1E residential development.

(01-10-05)

34.70.03 Application Information Requirements: In addition to the information required by the City of Troy for all other site plans, any development proposing to utilize the One-Family Cluster Plan shall contain the following:

A. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:

1. A legal description of dedicated open space required by Section 34.70.03(B), including dedicated easements.

2. A topographical and boundary survey of dedicated open space.
  3. An identification of the types of soil in dedicated open space.
  4. A Natural Features Plan that inventories all significant natural features on the property and on abutting properties, if applicable.
- B. Information regarding current and proposed ownership and use of the dedicated open space, including the following:
1. The proposed ownership and control of the open space.
  2. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Troy.
  3. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.
  4. A timeline setting forth the anticipated dates of the dedication of the open space for the common use of unit owners in the association or to the City of Troy.
- C. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including significant (over 10 inches in diameter) individual trees, woodlands, wetlands, and open space during construction. The plan shall be consistent with the City's tree preservation requirements, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.
- D. Other relevant information necessary to show that the proposed development qualifies for approval as a One-Family Cluster development.

(01-10-05)

**34.70.04 Dwelling Unit Density:**

- A. The number of dwelling units allowable within the One-Family Cluster development shall be determined by the applicant through the preparation of a parallel plan for the subject property that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/unit width and setbacks as normally required for the underlying one-family zoning district. The number of units identified in the parallel plan shall determine the number of units permitted in the development.
- B. Density Bonus. A variable density bonus of up to twenty (20) percent may be allowed at the discretion of the City Council, after recommendation from the Planning Commission, based upon a demonstration by the applicant of design excellence in the One-Family Cluster development. Projects qualifying for a density bonus shall include a minimum of fifty (50) percent of the property (One-Family

Cluster) to be dedicated open space held in common ownership. In addition, projects qualifying for a density bonus shall include at least one (1) of the following elements:

1. The inclusion of perimeter transition areas of at least one hundred fifty feet (150 feet) in width around all borders of the development.
2. Provisions and design that preserve natural features, including use of bio-retention techniques and sustainable building features.
3. Donation or contribution of land or amenities in order to provide a significant community benefit, such as for a school, park, fire hall, etc.
4. Other similar elements that the City Council, after recommendation from the Planning Commission, determined to be of exceptional quality.

(01-10-05)

34.70.05 Regulatory Flexibility: The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings on smaller lots, as long as the following requirements are satisfied:

- A. Overall density shall not exceed the number of residential cluster units determined in 34.70.04 above.
- B. Setback provisions shall be as follows:
  1. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required setback.
  2. Setback requirements for principal structures on the interior of the development shall be as follows: If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows.

Front: 20'. There shall be at least 25' between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.

Rear: 25'.

Side: 7.5'. For detached units with "rear-to-side" relationships, the required setback shall be 15' for each unit, for a total of 30'.
- C. All regulations applicable to parking, loading, general provisions, and other requirements shall be met.

- E. The permitted uses shall be restricted to single family detached residential development, duplex residential development, residential accessory structures, non-commercial recreation uses and open space.

(01-10-05)

**34.70.06      Open Space Requirements:**

- A. All land within a development that is not devoted to a residential unit, accessory structures, vehicle access, vehicle parking, a roadway, or an approved improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.
- B. A One-Family Cluster development shall maintain a minimum of thirty percent (30%) of the gross area of the site as dedicated open space held in common ownership. A minimum of twenty-five percent (25%) of the open space shall be upland area, which does not include any MDEQ-regulated or non-regulated wetlands that are accessible to all residents of the development.
- C. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of the One-Family Cluster development option:
  - 1. The area of any street right-of-way or private drive.
  - 2. The submerged area of any lakes, rivers, ponds or streams.
  - 3. The required setbacks surrounding a residential structure, except as otherwise provided.
  - 4. Storm water detention or retention facilities, with the exception of Bio-retention areas that provide an active or passive recreation function, which can be considered open space.
- D. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. In its discretion, the City Council, after recommendation from the Planning Commission, may permit either minor reductions in width or variations in width of the open space along exterior roads to accommodate taking into consideration topographic and/or other natural resource conditions, as long as the density of existing vegetation to be preserved, and size and shape of the development area are taken into consideration. The open space along the exterior public roads shall be landscaped with a minimum of one (1) deciduous canopy tree (3 to 3 ½ inches in diameter) for each ten (10) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance, and shall be planted so as to have minimal impact on the future usability of sidewalks and trails. Preservation of existing trees shall be credited towards meeting the frontage-landscaping requirement.

- E. Principal access to the development shall be provided by twenty-eight (28) foot wide public streets constructed to City standards that are located within sixty (60) foot wide rights-of-way or by twenty-eight (28) foot wide streets constructed to City public street standards that are located, within forty (40) foot private easements for public access.

Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards. Public utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.

- F. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council, after recommendation from the Planning Commission.

- G. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions, restrictive covenants, conservation easements, plat dedication, or other legal documents that are subject to review and approval by the City Council, after review and recommendation by the City Attorney. These irrevocable conveyance documents shall be approved prior to final approval of the development (final site plan approval), and the developer shall record such documents with the Oakland County Register of Deeds. These irrevocable conveyance documents shall specifically identify the City of Troy or the common owners as beneficiary of its provisions.

- H. The irrevocable conveyance referenced in subsection (G) shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:

1. Dumping or storing of any material or refuse.
2. Activity that may cause risk of soil erosion or threaten any living plant material.
3. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
4. Use of motorized off-road vehicles.

5. Cutting, filling or removal of vegetation from wetland areas.

6. Use of pesticides, herbicides or fertilizers within any wetlands area.

- I. The irrevocable conveyance referenced in subsection (G) shall provide the following:

1. The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.

2. Standards for scheduled maintenance of the open space.
  3. If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property.
- J. Continuing Obligation: The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.
- K. Allowable Structures: Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one percent (1%) of the required open space area.

(01/10/2005)

### ARTICLE XXXV      Planned Unit Development (PUD)

#### 35.10.00      Intent:

The intent of the Planned Unit Development option is to permit flexibility in the design and use of residential and non-residential land which, through the implementation of an overall development plan, when applicable to the site, will:

- A. Encourage developments that will result in a long term contribution to social, environmental and economic sustainability in the City of Troy;
- B. Permit development patterns that respond to changing public and private needs;
- C. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values;
- D. Provide for the long-term protection and/or preservation of natural resources, natural features, and/or historic and cultural resources;
- E. Promote the efficient use and conservation of energy;
- F. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites;
- G. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;
- H. Ensure the compatibility of design and use between various components within the PUD and with neighboring properties and uses; and
- I. Ensure development that is consistent with the intent of the land use plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans.

A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and mixture of uses, and to improve the design, character and quality of new development. The use of a Planned Unit Development to permit variations from other requirements of this Ordinance shall only be approved when such approval results in improvements to the public health, safety and welfare in the area affected, and in accordance with the intent of this Article.

#### 35.20.00      Uses Permitted:

The uses permitted within a Planned Unit Development shall be consistent with the intent of the plan meeting the requirements of the municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards



relating to matters such as building height, bulk, density, parking and setbacks will be determined based upon the specific PUD plan presented, and its design quality and compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying zoning districts as the basis upon which the subject property is developed and its uses are controlled.

### 35.30.00 Standards for Approval:

A Planned Unit Development project may be applied for in any zoning district. In order to be considered for the Planned Unit Development option, it should be demonstrated that the following standards will be met, as reasonably applicable to the site:

- A. The proposed development shall be applied for by a person or entity who has the legal right to execute a binding agreement covering all parcels in the PUD.
- B. The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:
  1. A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met;
  2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare;
  3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations;
  4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations;
  5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities;
  6. Appropriate land use transitions between the PUD and surrounding properties;
  7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development;
  8. Innovative and creative site and building designs, solutions and materials;
  9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces;
  10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities;

11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;
12. A complementary variety of housing types that are in harmony with adjacent uses;
13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure;
14. A development consistent with and meeting the intent of this Article; and will promote the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area.
15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:
  - A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.
  - B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.
  - C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.
  - D. The hours of operation of the proposed uses.
  - E. The location, amount, type and intensity of landscaping, and other site amenities.
16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.
17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.
18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

### 35.40.00 Consistency with Plan:

In the event that an applicant proposes a Planned Unit Development wherein the predominant use or uses would not be consistent with the intent of the plan meeting the requirements of the Municipal Planning Act, applicable corridor or sub-area plans, recent development trends in the area, or this Article, the City may consider initiating an amendment to the plan or applicable corridor or sub-area plans. If an applicant proposes any such uses, the applicant shall provide supporting documentation in advance of or simultaneous with the request for Concept Development Plan Approval.

### 35.50.00 Summary of the Approval Process:

- A. Step One: Conceptual Development Plan Approval. The procedure for review and approval of a PUD shall be a three-step process. The first step shall be application for and approval of a Concept Development Plan, which requires a legislative enactment amending the zoning district map so as to reclassify the property as a Planned Unit Development. A proposed Development Agreement shall be included and incorporated with the Concept Development Plan, to be agreed upon and approved coincident with said Plan. The Concept Development Plan and Development Agreement shall be approved by the City Council following the recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.
- B. Step Two: Preliminary Development Plan Approval. The second step of the review and approval process shall be the application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.
- C. Step Three: Final Development Plan Approval. The third step of the review and approval process shall be the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments shall be submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, shall have final authority for approval of such Final Development Plans.

### 35.50.01 Step One: Concept Development Plan Approval:

- A. Preapplication Meeting. Prior to the submission of an application for approval of a Planned Unit Development, the applicant shall meet informally with the Planning Department of the City, together with such staff and outside consultants as deemed appropriate by the City. The applicant shall present at such conference, or conferences, a sketch plan of the proposed Planned Unit Development, as well as the following information:
  - 1. A legal description of the property and the total number of acres in the project;
  - 2. A topographical map of the site;

3. A statement as to all proposed uses;
  4. The known deviations sought from the ordinance regulations otherwise applicable;
  5. The number of acres to be preserved as open or recreational space and the intended uses of such space;
  6. All known natural resources, natural features, historic resources and historic features; which of these are to be preserved; and
  7. A listing and specification of all site development constraints.
- B. Concept Development Plan. Thereafter, a Concept Development Plan conforming to the application provisions set forth herein shall be submitted. A proposed Development Agreement shall be incorporated with the Concept Development Plan submittal and shall be reviewed and approved coincident with the Plan. Such submissions shall be made to the Planning Director, who shall present the same to the Planning Commission for consideration at a regular or special meeting. The Concept Development Plan shall constitute an application to amend the zoning district map. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Prior to the Planning Commission scheduling a Public Hearing, the applicant shall arrange for one or more informal meetings with representatives of the adjoining neighborhoods, soliciting their comments and providing same to the Planning Commission. The City shall be advised in advance as to the scheduling and location of all such meetings.
- Thereafter, the Planning Commission shall make a recommendation to the City Council with regard to the Concept Development Plan. A Public Hearing shall be scheduled before the City Council, at which time they will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Concept Development Plan. The City Council shall set forth in their resolution the reasons for such action, including any reasons for denial.
- C. Application. The application for approval of a Concept Development Plan shall include the following information and materials, which shall be in a plan format together with a narrative explanation:
1. Development Concept: A summary explanation of the development concept of the proposed Planned Unit Development. The Concept Development Plan shall describe the project and explain how the project will meet the intent of the PUD option as set forth in Section 35.10.00 and the criteria for consideration as a PUD as set forth in Section 35.30.00 hereof, as those sections reasonably apply to the site.
  2. Density: The maximum density of the overall project and the maximum density for each proposed use and phase.
  3. Road System: A general description of the road system and circulation pattern; the location of roads, entrances, exits and pedestrian walkways; a statement whether roads are intended to be public or private.
  4. Utilities: A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems and utility lines;

a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.

5. Open Space/Common Areas: A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; the proposed uses of open space and common areas.
6. Uses: A list of all proposed uses; the location, type and land area to be devoted to each use, both overall and in each phase; a demonstration that all of the proposed uses are permitted under this Article.
7. Development Guidelines: A plan of the site organization, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berming; and building materials.
8. Parking and Traffic: A study of the parking requirements and needs; a traffic impact study and analysis.
9. Landscaping: A general landscaping plan; a landscape plan for entrances; a landscape plan for overall property perimeters; any theme/streetscape design; any proposed irrigation.
10. Natural Resources and Features: Floodway/floodplain locations and elevations; wetlands and water courses; woodlands; location and description of other natural resources and natural features.
11. Phasing Information: The approximate location, area and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.
12. Public Services and Facilities: A description of the anticipated demand to be generated by the development for public sewer, water, off-site roads, schools, solid waste disposal, off-site drainage, police and fire; a description of the sufficiency of each service and facility to accommodate such demands; the anticipated means by which any insufficient services and facilities will be addressed and provided.
13. Historical Resources and Structures: Their location, description and proposed preservation plan.
14. Site Topography.
15. Signage: General character and location of entrance and internal road system signage; project identification signage; and temporary or permanent signage proposed for any other locations.
16. Amenities.
17. Zoning Classification: Existing zoning classifications on and surrounding the site.
18. Specification Of Deviations: A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Unit Development; the safeguards, features and/or planning

mechanisms proposed to achieve the objectives intended to be accomplished by any regulation from which a deviation is being sought.

19. Community Impact Statement: A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinance provisions need not be duplicated in the community impact statement.
  20. Environmental Impact Statement: An environmental impact statement in accordance with the provisions of Article VII of this Chapter shall be submitted.
- D. Standards for Approval. In making a determination as to whether to approve a proposed Planned Unit Development proposal, the Planning Commission and the City Council shall be guided by the intent and criteria as set forth in Sections 35.10.00 through 35.40, as reasonably applicable to the site.
- E. Planned Unit Development Agreement. In conjunction with a request for Concept Development Plan approval, the applicant shall submit one or more proposed documents which, when agreed upon by all parties, shall serve as the PUD Agreement. As a part of the Concept Development Plan approval process, the applicant and the City Council shall each authorize execution of a PUD Development Agreement. The PUD Development Agreement shall include, but shall not be limited to, items such as the following:
1. A summary description of the nature and character of the proposed development, including uses, densities and site improvements as approved in the Concept Development Plan.
  2. A statement of the conditions upon which Conceptual Development Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to this particular PUD Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.
  3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PUD development, along with a summary of the financial guarantees which will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the City.
  4. A document specifying and ensuring the maintenance of any open space or common areas contained within the PUD development (e.g. through a property owners association, or through conveyance to the City with maintenance deposit, etc.).

Upon the granting of Concept Development Plan approval, the Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds by the City of Troy, referencing the legal description of the subject property.

5. A statement that if there is a conflict between the Zoning Ordinance, the Conceptual Development Plan and the Planned Unit Development Agreement, the Planned Unit Development Agreement shall control.

- F. Effect of Concept Development Plan Approval. If the City Council approves the Concept Development Plan and the Development Agreement, the zoning map shall be amended to designate the property as a Planned Unit Development. Such action, if and when approved, shall confer Concept Development Plan approval for five (5) years (herein to be referred to as CDP Period). The five year CDP Period commences upon the effective date of adoption of the ordinance that rezones the parcel to PUD by City Council.

During the CDP Period, the applicant shall be permitted to submit at least one (or more, at the option of the applicant, if the project is proposed in phases) Preliminary Development Plan application(s), seeking Preliminary Development Plan approval in the manner hereinafter provided. Upon the submittal of the first Preliminary Development Plan for one or more phases of the PUD project, the five (5) year expiration period shall no longer apply to the CDP and the CDP shall remain in full force and effect for the development of the entire PUD project, including without limitation, the development of all future phases of the entire PUD Property. Any submittals of Preliminary Development Plans shall comply with all the requirements of Section 3.43.00 of the Troy Zoning Ordinance for Preliminary Site Plan submittals and any additional requirements of the Planning Department reasonably needed to demonstrate consistency with the CDP and compliance with Section 35.50.02. Any Preliminary Development Plans that do not comply with these requirements shall not be considered submittals for purposes of this Paragraph. After submittal of the first Preliminary Development Plan, the timing for the issuance of permits and construction of the PUD project and/or all future phases, shall, be determined as set forth in Section 35.50.02.G.

Upon the request of the applicant, prior to the expiration of the Concept Development Plan, the City Council may extend the expiration date of the Concept Development Plan. In determining whether to extend the expiration date of the Concept Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the project have not changed in a manner which would substantially affect the project as previously approved.

In the event of the expiration of the Concept Development Plan, the applicant may either make application for a new Concept Development Plan or make application for some other zoning classification. Following Final Development Plan Approval for one or more phases or for the entire PUD, no use or development of the subject property may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There shall be no use or development of the subject property until a new concept development plan or rezoning is approved.

35.50.02 Step Two: Preliminary Development Plan Approval:

- A. Development of property classified as a PUD shall require Preliminary Development Plan approval, which shall be granted by City Council following a recommendation by the Planning Commission. Application(s) shall be submitted to the Planning Commission and City Council for review and approval consistent with the approved

Concept Development Plan.

- B. Preliminary Development Plan approval may be applied for and granted with respect to the entire PUD development or as to one or more phases. However, if the project is developed in phases, the design shall be such that upon completion, each phase or cumulative result of approved phases shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and properties in the surrounding area.

The Preliminary Development Plan shall specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, the Preliminary Development Plan may require the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the public improvements on the property as proposed and/or to promote and/or protect the public health, safety and welfare in a manner consistent with the intent and spirit of this Article.

- C. Following receipt of an application for Preliminary Development Plan approval for either the entire PUD development, or for any one or more phases thereof, the Planning Commission shall conduct a public hearing to determine that:
  - 1. The Preliminary Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the Planning Commission determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, The Planning Commission shall make this determination a part of their recommendation. If City Council determines the Preliminary Development Plan does not conform to the Concept Development Plan, the applicant shall either revise the Preliminary Development Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with Section 35.70.00 hereof; and
  - 2. The Preliminary Development Plan meets the requirements, standards and procedures set forth Section 03.40.00 *et seq.* (Site Plan Review/Approval) of the Zoning Ordinance and any other applicable requirements as set forth in this Article.
- D. Except as herein otherwise modified, Preliminary Development Plan approval shall be based upon the requirements, standards and procedures set forth Section 03.40.00 *et seq.* of the Zoning Ordinance (Site Plan Review/Approval). In addition to the information required in such Section, the applicant shall also submit the following:
  - 1. A demonstration, including map and text, that the requirements of Section 35.50.02.B hereof have been met.



2. To the extent not provided by the information submitted in accordance with Section 03.40.00 *et seq.* of the Zoning Ordinance, the following additional information and documentation shall be submitted:
  - a. Sufficient information to demonstrate compliance with any applicable project design standards as approved during Concept Development Plan review.
  - b. A site plan showing the type, location and density of all structures and uses.
  - c. A plan showing all open spaces, including preserves, recreational areas, and historic resources, including but not limited to all similar such uses and spaces, and the purpose proposed for each area.
  - d. Expert opinion of an independent consultant with regard to a market need for the use or uses proposed and the economic feasibility of the project.
  - e. A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses.

This specification shall state the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations which would otherwise apply to a traditional development.
  - f. Additional landscaping details as required by the Planning Commission and/or the City Council in order to achieve a specific purpose consistent with the spirit of this Article.
  - g. The general improvements which will constitute a part of each phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, utilities, and further including the aesthetic qualities of the general improvements.
- E. The Planning Commission shall proceed with the review of a Preliminary Development Plan in the manner herein specified and in accordance with the provisions of Section 03.40.00 *et seq.* of the Zoning Ordinance. The Planning Commission shall provide a recommendation to City Council who shall have the authority to approve or deny the Preliminary Development Plan.
- F. At the conclusion of the Planning Commission's review, the Planning Commission shall either recommend approval of the Preliminary Development Plan, with or without conditions, or recommend denial. If the Planning Commission recommends denial, the minutes of the meeting shall include the reasons for recommending denial. If approval is recommended with conditions, the minutes shall include a statement of the conditions.
- G. Following receipt of the Planning Commission's recommendation of a Preliminary Development Plan, the City Council shall conduct a public hearing to determine that:
  1. The preliminary development plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the City Council determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, the City Council shall deny the application. If City Council determines the Preliminary Development Plan does not conform to the Concept Development Plan, the applicant shall either revise the Preliminary Development

Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with Section 35.70.00 hereof; and

2. The preliminary development plan meets the requirements, standards and procedures set forth in Section 03.40.00 *et seq.* (site plan review/approval) of the zoning ordinance and any other applicable requirements as set forth in this article.
- H. City Council's approval of the Preliminary Development Plan shall be effective for a period of three (3) years, during which period of time the applicant is authorized to submit a Final Development Plan (final site plan, engineering and construction plans) for site improvements, together with all other documents necessary for Final Development Plan approval and the issuance of Building Permits. The applicant may apply to the City for extension of the three (3) year period for approval of the Preliminary Development Plan.

35.50.03      Step Three: Final Development Plan Approval:

Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Planning Department for its review and approval, and the Planning Department shall have final authority for the review and approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following their review of the Final Development Plan, the Planning Department shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Planning Department shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period within which to commence construction upon good cause shown.

35.60.00      Amendment or Abandonment:

35.60.01      Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development Plan as approved and/or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

35.60.02      Abandonment of Concept Development Plan: Following any action evidencing abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors, the City Council shall be entitled to take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property. (Rev. 04-02-07)

**35.60.03      PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS:**

- A. For public hearings required with respect to a Planned Unit Development, notice shall be given not less than 15 days before each public hearing at which the Planned Unit Development will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:
  - 1. The applicant.
  - 2. The owner(s) of the property, if the applicant is not the owner.
  - 3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.
  - 4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.
- B. The notice shall include:
  - 1. The nature of the Planned Unit Development being proposed.
  - 2. The property(ies) for which the request has been made.
  - 3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the proposed Planned Unit Development. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
  - 4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
  - 5. The date, time and location of when the hearing on the application will take place.
  - 6. The address at which written comments should be directed prior to the consideration.

(Enacted: 09-18-06; Effective: 10-01-06)

**35.60.03      Abandonment of Preliminary Development Plan:** Approved Preliminary Development Plans for which a Final Development Plan has not been submitted as required under Section 35.50.02.G., shall be considered abandoned for the purposes of this Article. The applicant may request a twelve month extension of Preliminary Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the three year Preliminary Plan Approval period.

**35.60.04      Abandonment of Final Development Plan:** Approved Final Development Plans, upon which construction does not commence within a two year period from the date of a Final Development Plan approval, shall be considered abandoned for the purposes of this

Article. The applicant may request a twelve month extension of Final Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the two-year Final Plan Approval period.

35.70.00     Appeals:

The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 35.60.00 hereof.

35.80.00     Violations:

Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 02.50.00 of the Zoning Ordinance.

(Rev. 04-02-07)

### 36.00.00      ARTICLE XXXVI      OFFICE DEVELOPMENT OPTIONS

#### 36.10.01      INTENT:

The Office Development Options contained herein are intended to encourage innovation and variety in the design and site planning of office building at planned locations, to provide focal points within the total urban design of the City, and to provide greater economic stability and longevity through a higher level of aesthetics in planning.

36.10.02      The provisions contained herein enable optional forms of development and as such can only be implemented if the terms of development, as expressed in a site plan, are mutually agreeable to both the City and the developer.

36.10.03      A petitioner, seeking the use of this optional form of development, shall submit two (2) site plan proposals to the Planning Commission for their consideration:

Plan "A":      Shall conform to the standards of the Zoning Ordinance without the use of any options, and,

Plan "B":      Shall conform to the standards of the Zoning Ordinance as modified by the options contained within the following sections.

36.10.04      The Planning Commission shall review both proposals, taking into account the location of the project, the impact upon adjacent properties, and the degree of compatibility with the surrounding uses and structures. The Planning Commission shall then approve one of the proposals, subject to conformance with applicable standards and Ordinance requirements.

#### 36.20.00      O-1, OFFICE BUILDING DISTRICT, DESIGN OPTION

36.20.01      The standards and requirements of the O-1, Office Building District, as contained in Article XXIV, may be modified in the following manner:

36.20.02      The maximum development intensity shall be 15,000 square feet of gross floor area per net acre of site area.

36.20.03      The maximum height of buildings may be increased as follows:

a)      To a maximum of five (5) stories (75 feet) on sites abutting land zoned and planned for residential use on the Master Land Use Plan.

b)      To a maximum of seven (7) stories (100 feet) on sites abutting land zoned or planned for non-residential use on the Master Land Use Plan.

36.20.04      The required yards shall be as follows:

a)      One and one-half (1 1/2) feet for each foot of building height on sites abutting land zoned or planned for residential use on the Master Land Use Plan.

b)      One (1) foot for each foot of building height on sites abutting land zoned or planned for non-residential use on the Master Land Use Plan.

In no instance shall the setbacks be less than O-1 District Standards.

36.20.05 Under the terms of this option, the land area gained through a higher building with less ground coverage shall be added to the required landscape area. The cumulative landscape area, apart from greenbelts abutting public rights-of-way, shall in no event be less than fifteen (15) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way), of which sixty (60) percent shall occur between the front building face and the thoroughfare right-of-way line (existing and/or proposed).

36.20.06 Storm water retention basins serving such sites shall be designed in an open unfenced manner, in accordance with the Engineering Design Standards.

36.20.07 The use of this design option shall be restricted and limited to property zoned in the O-1, Office Building, classification located with Area 1 and Area 2 of Exhibit 36.20.00.

### 36.30.00 O-M, OFFICE MID-RISE DISTRICT, DESIGN OPTION

36.30.01 The standards and requirements of the O-M, Office Mid-Rise District, as contained in Article XXV, may be modified in the following manner:

36.30.02 The maximum development intensity shall be 20,000 square feet of gross floor area per net acre of site area.

36.30.03 The maximum height of buildings may be increased as follows:

a) To a maximum of seven (7) stories (100 feet) on sites abutting land zoned and planned for residential use on the Master Land Use Plan.

b) To a maximum of ten (10) stories (125 feet) on sites abutting land zoned or planned for non-residential use on the Master Land Use Plan.

36.30.04 The required yards shall be increased six (6) inches for each one (1) foot of building height above sixty (60) feet.

36.30.05 Under the terms of this option, the land area gained through a higher building with less ground coverage shall be added to the required landscape area. The cumulative landscape area, apart from greenbelts abutting public rights-of-way, shall in no event be less than fifteen (15) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way), of which sixty (60) percent shall occur between the front building face and the thoroughfare right-of-way line (existing and/or proposed).

36.30.06 Storm water retention basins serving such sites shall be designed in an open unfenced manner, in accordance with the Engineering Design Standards.

36.30.07 The use of this design option shall be restricted and limited to property zoned in the O-M, Office Mid-Rise, classification located within Area 1 and Area 2 of Exhibit 36.40.00.

# AREAS AVAILABLE FOR THE APPLICATION OF THE OFFICE DEVELOPMENT OPTION

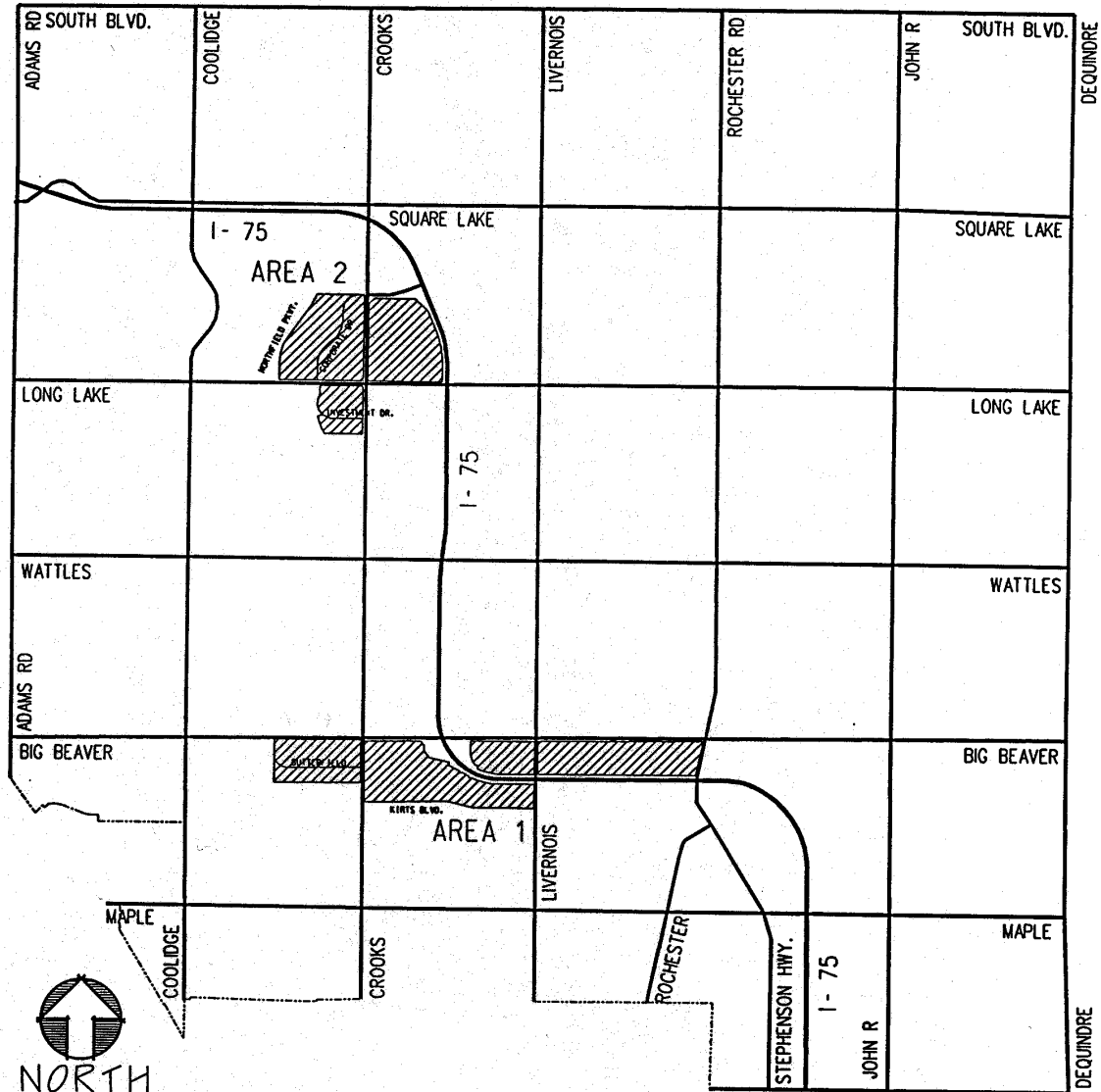


FIGURE 36.40.00

## Chapter 39 - Zoning Ordinance

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### 39.00.00     ARTICLE XXXIX     ENVIRONMENTAL PROVISIONS

#### 39.10.00     WALLS:

39.10.01     For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
A.	P-1 Vehicular Parking District	4'-6" high wall
B.	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
C.	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
D.	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
E.	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
F.	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-07-96)

39.10.02     Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front and yard setback lines in abutting residential districts. The location of such walls may further be revised where, in the opinion of the Planning Commission, such relocation will as effectively or more effectively serve the intended screening or obscuring function.

(Rev. 06-29-92)

39.10.03     Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Chapter and except such openings as may be approved by the Chief Building Inspector or the City Engineer. All walls herein required shall be constructed of common or face brick, or of poured or precast masonry or decorative block the designs of which shall be approved by the Chief Building Inspector.

(Rev. 06-29-92)



39.10.04 The Board of Zoning Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served and that such modification would not be detrimental to adjacent properties. When the Board determines that a wall is required, in no instance shall such a wall be permitted to be less than four feet six inches (4'6") in height. The Board of Zoning Appeals may permit the placement of a landscaped earth berm or other opaque landscape materials, in accordance with standards recommended by the Department of Parks and Recreation. In no instance shall the screening elements be less than four feet six inches (4'6") in height. In order to assure proper placement and maintenance of screening elements, the Board may grant such waivers or modifications for an initial period not to exceed three (3) years, with successive waivers for a similar maximum period. As an alternative, following an initial three (3) year waiver period, and their determination that the alternate screening elements are properly established, the Board may grant a permanent screen wall variance.

In consideration of requests to waive wall requirements between non-residential and residential districts, the Board shall obtain a determination from the Planning Director as to the future use of the abutting property, in accordance with the Master Land Use Plan. In such cases as the Planning Director determines the residential District to be a future non-residential area, the Board may temporarily waive wall requirements for an initial period not to exceed three (3) years. Prior to action on any subsequent waivers, the Planning Director shall advise the Board of Zoning Appeals of any change in the Master Land Use Plan which could relate to the area of the property under consideration.

(Rev. 06-29-92)

39.10.05 Landscaped Buffer or Berm Option:

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least one hundred (100) feet between the property line and the off-street parking area, the applicant shall have the option of providing a landscape buffer within the one hundred (100) foot distance, in lieu of the required wall. The buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of less than one-hundred (100) feet and at least forty-five (45) feet between the property line and the off-street parking area, the applicant shall have the option of providing a 4'-6" landscaped earth berm in lieu of the required wall. The design of the berm shall meet the following standards:

- A. The slope of the berm shall be no greater than one foot vertical for each three feet horizontal (1 on 3).
- B. There shall be a two (2) foot wide horizontal crest at the top of the berm.
- C. The off-street parking area side of the berm, shall include, at a minimum, four (4) feet between the lowest point of the berm and the off-street parking area, to provide for berm maintenance. The residential side of the berm shall include, at a minimum, twelve (12) feet between the lowest point of the berm and the adjacent residential property, to provide space for a utility and stormwater easements.

- D. The berm shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

(Rev. 06.16.03)

**39.20.00 LAND USE BUFFERS AND LANDSCAPING:**

- 39.20.01 Land use buffers and landscaping shall be installed and maintained according to the standards contained herein, and in accordance with the Landscape Design and Tree Preservation Standards.

(Rev. 06-29-92)

- 39.20.02 All land use buffers, landscaping, screening and open space areas required under the terms of this Chapter shall be reviewed by the Planning Department as to compliance with the intent of this Chapter, and by the Department of Parks and Recreation as to compliance with the Landscape Design and Tree Preservation Standards.

(Rev. 06-29-92)

**39.30.00 LANDSCAPE AREA INSTALLATION AND MAINTENANCE:**

Whenever in this Chapter a greenbelt or landscape area is required, it shall be placed within six (6) months from the date of issuance of a Certificate of Occupancy, and shall thereafter be reasonably maintained in a healthy, growing condition, neat and orderly in appearance.

(Rev. 06-29-92)

**39.40.00 LANDSCAPE DESIGN STANDARDS:**

Please refer to the City of Troy Landscape Design and Tree Preservation Standards, for all requirements related to the nature, placement, and maintenance of plant materials and other landscape materials within any required greenbelt or landscape area.

(Rev. 06-29-92)

**39.50.00 NATURAL FEATURE PRESERVATION:**

Plans submitted for all developments, shall include information as to the location of natural features such as watercourses, bodies of water, stands of trees and individual trees, apart from stands of trees, having a caliper of four (4) to ten (10) inches D.B.H. The Site Plans for development sites involving such features shall then take into consideration the means by which these features can be preserved and enhanced in conjunction with site development, all in compliance with Chapter 28 (Tree Regulations) and Chapter 80 (Soil Removal and Fill) of the City Code, and the Landscape Design and Tree Preservation Standards established by Resolution of the City Council. In the course of Site Plan Review, the Planning Commission shall consider and encourage the location of required landscape areas in a manner which will facilitate the preservation and enhancement of such natural features. (Rev. 06-29-92)

### 39.70.00 NON-RESIDENTIAL DEVELOPMENTS:

The following standards shall apply to developments which occur in the C-F, B-I, B-2, B-3, H-S, O-I, O-M, O-S-C, R-C, and M-I Districts, unless otherwise provided in this Chapter.

(Rev. 06-29-92)

### 39.70.02 Greenbelt:

A strip of land, a minimum of 10 feet in depth, located between the abutting public street, freeway, or major thoroughfare right-of-way, existing or proposed by the Master Thoroughfare Plan, and the development area, shall be landscaped with a minimum of one (1) tree, not less than ten (10) feet in height or a minimum caliper of two (2) inches at the time of planting, for each thirty (30) lineal feet, or major portion thereof, of property abutting said right-of-way. The remainder of the landscape strip shall be landscaped in grass, ground cover, shrubs, and other living plant material, or other durable non-living landscape material. No more than twenty (20) percent of the area may consist of durable non-living landscape material.

Necessary access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

Earth berms may be used in order to increase the screening function of such landscape areas adjacent to off-street parking areas and vehicular use areas. In instances where outside storage areas are permitted to occur adjacent to freeway rights-of-way (M-1 Districts), this landscape strip shall be designed so as to create a visual screen between the storage area and the adjacent freeway.

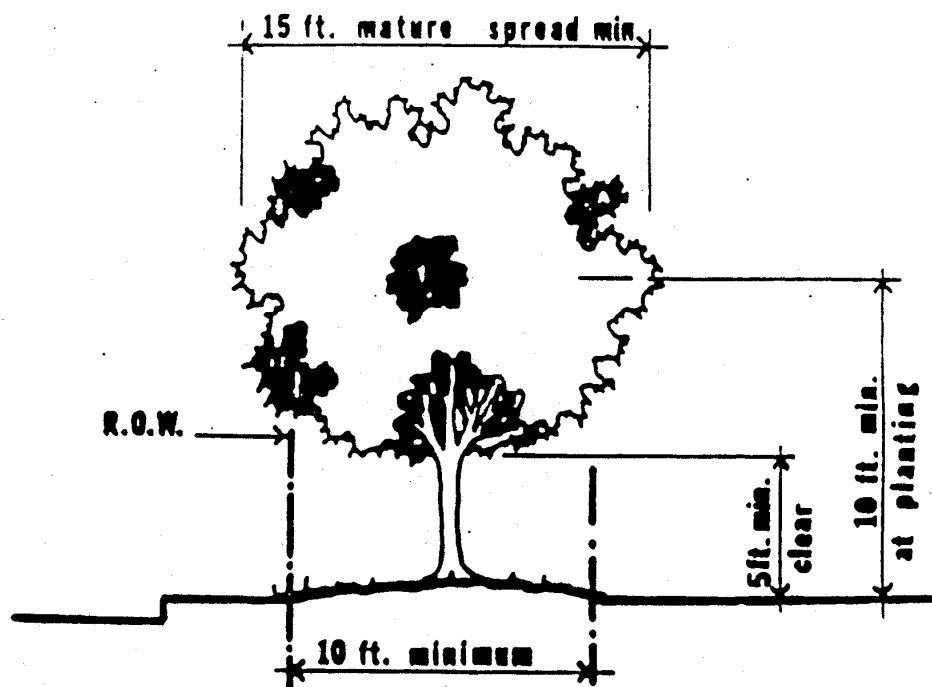
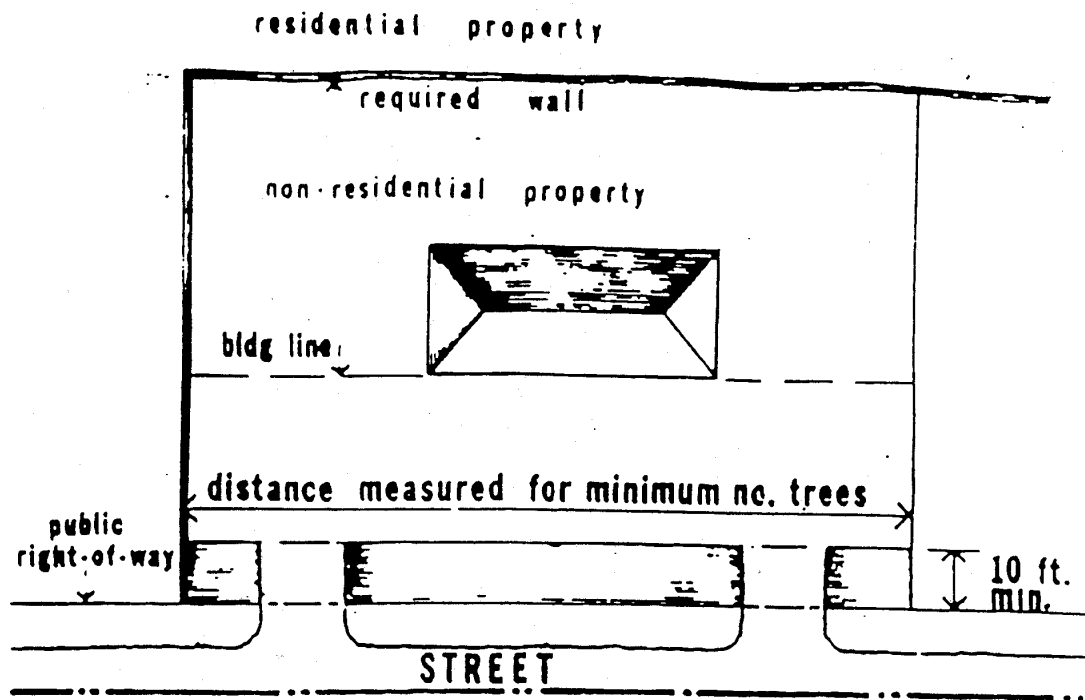
(Rev. 06-29-92)

### 39.70.03 Sidewalk:

There shall be a concrete walkway, a minimum of five (5) feet in width, required between any front and/or side building face and a vehicular use area. Said sidewalk areas shall not be countable in the computation of the required percentage of landscape area as provided in Section 39.70.04. This sidewalk requirement shall not apply in M-1 (Light Industrial) Districts.

The Planning Commission may modify the building perimeter sidewalk requirement indicated above, to require the alternative of placing additional landscaping area over and above that required by Section 39.70.04, when they determine that a building access and protection needs are met through a means other than the standard building perimeter sidewalk.

Concrete Sidewalk, a minimum of five (5) feet in width, shall be constructed across all public street frontages, in accordance with Chapter 34 of the City Code. Such sidewalks shall be increased to a minimum of eight (8) feet in width in order to provide for bikeway facilities, when such additional width is indicated on a plan for the area as adopted or accepted by the City Council. Concrete sidewalk, a minimum of five (5) feet in width, shall be required between the public street frontage sidewalk and the building perimeter sidewalk required by this Section. The land area used for this connecting sidewalk shall be countable in the computation of the required percentage of landscape area as provided in Section 39.70.04. (Rev. 06-29-92)



## LAND USE BUFFERS AND LANDSCAPING

### 39.70.04 Landscaping:

In addition to any landscape buffer required by Section 39.70.02, ten (10) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way) shall be developed as landscaped open space. Said landscaped open space shall be countable only when located in the front or side yards. Pedestrian walks (except as indicated in Section 39.70.03), plazas, planters, and other decorative elements may be included in such landscaped areas. In order to be countable toward the landscape area requirement, at least fifty (50) percent of plazas and pedestrian walk areas shall consist of planters and planting areas. No more than twenty (20) percent of the required landscaped area may consist of durable non-living landscape material.

The Planning Commission may modify the percent of durable non-living landscape material when it determines that such a modification will serve to provide more effective and desirable areas for pedestrians or building occupants, or will enable a more reasonable and desirable building setting.

Landscaped area used for storm drainage purposes, such as drain courses and retention areas, in front or side yards, may be countable for a portion of the required landscaped area, not to exceed five (5) percent of the net site area, subject to the following conditions:

1. Areas having slopes in excess of one (1) on six (6) shall not be countable.
2. Areas within fenced drain courses or retention ponds shall not be countable.
3. Drain course or stream bottoms shall not be countable.

Such countable storm drainage areas shall be landscaped with materials which will not be damaged by the intermittent water conditions, and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

Landscaped areas shall be countable only when such are two hundred (200) square feet or more in area, and when typically five (5) feet or more in width. Areas less than five (5) feet in width may be countable when added to a greenbelt area as required by Section 39.70.02, or when added to a previously established live landscaped area when a minimum width of five (5) feet will result.

(Rev. 06-29-92)

### 39.70.05 Screen Wall Option:

The Planning Commission may permit a solid screening wall, at least thirty (30) inches in height, in lieu of the landscape strip as provided in Section 39.70.02, when it determines that the parcel size and configuration are such as to make the provision of the minimum landscape strip area impractical or overly restrictive as to the development of the site. Such walls shall be of a common or face brick or similar appearing material, or of a masonry material which is similar to or compatible with that of the principal building on the site. Such walls shall otherwise conform to the provisions of Article XXXIX, "Environmental Provisions", Section 39.10.00.

(Rev. 06-29-92)

39.70.06 Street Margin:

The land area which lies between the designated landscape strip as required by Section 39.70.02 and the edge of pavement of the adjacent public street shall be landscaped with grass and/or live ground cover as a minimum. The detail treatment of the street margin area, including the provision of any durable non-living landscape material (subject further to the provisions of Chapter 88, Section 9.16 of the City Code regarding "injurious substances"), shall be subject to the review and approval of the City Engineer. Sidewalks shall be provided within this area in accordance with Chapter 34 of the City Code.

(Rev. 06-29-92)

39.70.07 Development Inter-Connection:

Developments occurring within these non-residential districts shall utilize the required landscape areas to provide, insofar as possible, pedestrian connections to adjacent developments. The Planning Commission may further require the provision of an easement for pedestrian walkway/bikeway purposes, having a width of at least fifteen (15) to twenty (20) feet, when such facilities are indicated on any Plan for such facilities which has been adopted or accepted by the Planning Commission or the City Council. Those proposing developments within non-residential districts shall consult with the Planning Department during the course of development of their Site plans to determine the location of potential walkway/bikeway easements, and the standards for the development of same. The land area used for such walkway/bikeway facilities shall be countable in the computation of the required landscape area on a given site, subject to compliance with other provisions of Section 39.70.00 and its related Sub-Sections.

(Rev. 06-29-92)

39.70.08 Maintenance:

Required landscaped areas, landscaped screening elements, and street margins shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain these landscaped areas in such a manner, and to remove and replace dead and diseased plant materials, shall constitute a violation of this Ordinance.

(Rev. 06-29-92)

39.70.09 Trash Receptacle Area Screening:

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially zoned land, in

order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 07-21-03)

39.70.10 Building Exterior Treatment:

Those walls of non-residential buildings lying adjacent to and visible from abutting Residential Zoning Districts, shall be finished in a manner similar to those walls on the front face of the building in relation to building materials and finishes.

Equipment placed upon the roof of a non-residential building, including but not limited to heating, ventilation, and air-conditioning equipment, shall be screened from the view of those in Residential Zoning Districts and on public streets.

(Rev. 06-29-92)

39.80.00 RESIDENTIAL DEVELOPMENTS:

The following standards shall apply to developments, apart from one-family and two-family residences, which occur in all Residential Zoning Districts, unless otherwise provided in this Chapter:

(Rev. 06-29-92)

39.80.02 A strip of land, a minimum of ten (10) feet in depth, located within the development area and abutting any public street or freeway right-of-way, existing or proposed, shall be landscaped with a minimum of one (1) tree, not less than ten (10) feet in height or a minimum caliper of two (2) inches at the time of planting, for each twenty (20) lineal feet, or major portion thereof, of property abutting said right-of-way: The remainder of the landscape strip shall conform to the character and design specified for the particular District, and shall also be planted in grass, ground cover, shrubs, or other living plant material. This area may be included in yards or berm areas required under other Sections of this Chapter.

Necessary access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

(Rev. 06-29-92)

39.80.03 Parking Areas:

All parking areas occurring within the development area shall be provided with a minimum five (5) foot concrete sidewalk between the subject parking spaces and areas, and the residential development. Further, it is intended that any parking areas that occur in concentrated locations or "compound" be screened from the view of the residential development by trees, shrubs, or berms. Screening walls shall be provided between parking areas and adjacent residential properties in accordance with Section 39.10.00.

(06-29-92)

### 39.80.04 Sidewalk:

Concrete sidewalk, a minimum of five (5) feet in width, shall be constructed across all public street frontages, in accordance with Chapter 34 of the City Code. Such sidewalks shall be increased to a minimum of eight (8) feet in width in order to provide for bikeway facilities, when such additional width is indicated on a plan for the area as adopted or accepted by the City Council. Concrete sidewalk, a minimum of five (5) feet in width, shall be required between the public street frontage sidewalk and any interior sidewalks serving parking areas and building entrances. The land area used for this connecting sidewalk shall be countable in the computation of the required percentage of landscape area as provided in Section 39.80.05, or as required for residential developments by other Sections of this Chapter.

(Rev. 06-29-92)

### 39.80.05 Landscaping/Open Space:

In addition to any landscape buffer required by Section 39.80.02, ten (10) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way) shall be developed as landscaped open space. Said landscaped open space shall be countable only when located in the front or side yards. Pedestrian walks, planters, and other decorative elements may be included in such landscaped areas. No more than twenty (20) percent of the required landscaped area may consist of durable non-living landscape material.

Landscaped area used for storm drainage purposes, such as drain courses and retention areas, in front or side yards, may be countable for a portion of the required landscaped area, not to exceed five (5) percent of the net site area, subject to the following conditions:

1. Areas having slopes in excess of one (1) on six (6) shall not be countable.
2. Areas within fenced drain courses or retention ponds shall not be countable.
3. Drain course or stream bottoms shall not be countable.

Such countable storm drainage areas shall be landscaped with materials which will not be damaged by the intermittent water conditions, and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

Landscaped areas shall be countable only when such are two hundred (200) square feet or more in area, and when typically five (5) feet or more in width. Areas less than five (5) feet in width may be countable when added to a greenbelt area as required by 39.80.02 or when added to a previously established live landscaped area when a minimum width of five (5) feet will result.

The landscaped area requirements of this Section shall be superseded by the open space area requirements of other Section so of this Chapter related to residential (housing) developments, when such requirements exceed the requirements of this Section. The open space areas required and/or provided within such residential development areas shall be contiguous and usable for active and passive recreation by the residents of the development. Said areas shall be landscaped in a minimum of grass and shall contain a minimum of one (1) tree for each two (2) dwelling units within the development, in addition to the trees required by other provisions of this Chapter. (Rev. 06-29-92)



## Chapter 39 - Zoning Ordinance

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- 39.80.06     Street Margin:  
The land area which lies between the designated landscape strip as required by Section 39.80.02 and the edge of pavement of the adjacent public street shall be landscaped with grass and/or live ground cover as a minimum. The detail treatment of the street margin area, including the provision of any durable non-living landscape material (subject further to the provisions of Chapter 88, Section 9.16 related to "injurious substances") shall be subject to the review and approval of the City Engineer. Sidewalks shall be provided within this area in accordance with Chapter 34 of the City Code.
- (Rev. 06-29-92)
- 39.80.07     Maintenance:  
Required landscaped areas, landscaped screening elements, and street margins shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain these landscaped areas in such a manner, and to remove and replace dead and diseased plant materials, shall constitute a violation of this Ordinance.
- (Rev. 06-29-92)
- 39.80.08     Trash Receptacle Area Screening:  
Trash receptacle or "dumpster" areas shall be indicated on Site Plans, and shall be screened on all sides by opaque fencing or masonry wall, and gates, at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials used in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and cleans in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on site traffic congestions, and minimizing visibility or other negative effects on those using the site or adjoining properties.
- (Rev. 06-29-92)
- 39.80.09     Rooftop Equipment Screening:  
Equipment placed upon the roof of a building covered under Section 39.80.00, including but not limited to heating, ventilation, and air-conditioning equipment, shall be screened from the view of those in Residential Zoning Districts, and on public streets.
- (Rev. 06-29-92)
- 39.90.00     ENVIRONMENTAL PERFORMANCE STANDARDS:  
No otherwise allowed shall be permitted within any use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements maintained within said area:
- 39.90.01     Smoke:  
It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods, aggregating four minutes in any thirty minutes.

Method of Measurement:

For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standards. However, the umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

39.90.02

Dust, Dirt and Fly Ash:

No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grams per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

Method of Measurement:

For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

39.90.03

Odor:

The emission of odors which are generally agreed to be obnoxious to any considerable number of persons, at their place or residence, shall be prohibited.

39.90.04

Gases:

S02 gas, as measured at the property line shall not exceed an average of .3 p.p.m. over a twenty-four (24) hour period; provided, however, that a maximum concentration of .5 p.p.m., will be allowed for a one (1) hour period out of a twenty-four (24) hour period; H2S shall not exceed 1 p.p.m.; fluorine shall not exceed .1 p.p.m.; nitrous fumes shall not exceed 5 p.p.m.; CO shall not exceed 15 p.p.m.

39.90.05

Airborne Matter, General:

In addition to (1) through (4) above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.

39.90.06

Glare and Radioactive Materials:

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines, radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

## Chapter 39 - Zoning Ordinance

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- 39.90.07     Fire and Explosive Hazards:  
The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the State rules and regulations as established by Public Act No. 207 of 1941 as amended, Chapters 79 and 93 of the City Code, and Section 40.70.00 of this Chapter.
- 39.90.08     Noise:  
The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property line, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Within M-1 districts sound levels not exceeding seventy (70) decibels may be permitted. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings shall be controlled so as not to become a nuisance to adjacent uses.
- 39.90.09     Vibration:  
Machines or operations which cause vibration shall be permitted in industrial districts, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.
- 39.90.10     Sewage Wastes:  
No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer:
- A.     Acidity of alkalinity shall be neutralized within an average or range of between five and one-half (5 1/2) to seven and one-half (7 1/2) as a daily average on the volumetric basis, with a temporary variation of PH 4.50 and 10.0.
  - B.     Wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of .1 p.p.m.; no Fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of Hydrogen Sulphide; and shall contain not more than 10 p.p.m. of Sulphur Dioxide and Nitrates; and shall contain not more than 25 p.p.m. of Chromates.
  - C.     Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 300 p.p.m. or fail to pass a No. 8 Standard Sieve or have a dimension greater than one-half (1/2) inch.
  - D.     Wastes shall not have a chlorine demand greater than 15 p.p.m.
  - E.     Wastes shall not contain phenols in excess of .05 p.p.m.
  - F.     Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- 39.90.20     Signs:  
Refer to Chapter 78 ("Signs") of the Troy Ordinance Code for requirements as the nature and placement of signs.

39.95.00      CONSTRUCTION WITHIN DESIGNATED FLOOD PLAIN AREAS

39.95.01      It is the intent and purpose of this Section to establish those standards necessary to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Troy; and, further, to comply with the provisions and requirements of the National Flood Insurance Program.

39.95.10      DELINEATION OF THE FLOOD HAZARD AREA

39.95.11      The boundaries of Flood Hazard Areas shall initially be determined by reference to the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, and any amendments thereto, as provided by the National Flood Insurance Program.

(Rev. 06-29-92)

39.95.12      Where there are disputes as to the location of a Flood Hazard Area boundary the City Manager shall make a final determination of the questioned boundary after a report by the City Engineer. The City Engineer shall consult the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, and other City-maintained topographic data. It shall be the responsibility of the property owner or permit applicant to submit, to the City Engineer, any other data, field measurements, etc., which said owner or applicant wishes to have considered.

39.95.20      DEVELOPMENT REQUIREMENTS

39.95.21      In cases of conflict, the Flood Hazard area development requirements shall take precedence over the standards and requirements of the existing Zoning District. Compliance with the requirements of this article shall be necessary for all development occurring within Flood Hazard Areas.

39.95.22      See Chapter 79 (General Building Regulations), Section 8.1 of the City Code for applicable standards and regulations.

(Rev. 06-29-92)

39.95.30      USES PERMITTED

Within Flood Hazard Areas, no land shall be used except for one or more of the following uses:

39.95.31      Grazing, agriculture and pastureland.

39.95.32      Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, nature paths and trails, and wildlife preserves.

39.95.33      Required open space or lot area for uses in compliance with the Zoning District requirements of contiguous property not within the Flood Hazard Area.

39.95.34      Off-street parking, streets, drives, roads, and outdoor play equipment or structures; provided that such equipment and/or structures would not cause an increase in water surface elevation, obstruct flow, or reduce impoundment capacity. Such equipment and/or structures shall be anchored to prevent flotation and lateral movement.

## Chapter 39 - Zoning Ordinance

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- 39.95.35 New and/or substantially improved residential structures shall be permitted provided that such residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2 or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations". Such structures shall be prohibited in Flood Hazard Areas in E-P (Environmental Protection) Zoning Districts.
- 39.95.36 New and/or substantially improved non-residential structures permitted by the applicable Zoning District shall be permitted provided that such non-residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2, 612.2.3, 401.2, or 401.3 of the Army Corps of Engineers "Flood Proofing Regulations". Such structures shall be prohibited in Flood Hazard Areas in E-P (Environmental Protection) Zoning Districts.
- 39.95.40 PERMITS
- 39.95.41 No building or structure shall be erected, converted or substantially improved or placed, and no land filled or used in a Flood Hazard Area without the granting of an applicable permit by the City of Troy Building Department of Engineering Department.

(Rev. 06-29-92)

## Chapter 39 - Zoning Ordinance

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### 40.00.00      ARTICLE XL                      GENERAL PROVISIONS

#### 40.00.01      CONFLICTING REGULATIONS:

Wherever any provision of this Chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Chapter, then the provisions of such Ordinance shall govern.

#### 40.00.02      SCOPE:

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Chapter.

#### 40.10.00      REQUIRED SITE ACCESS:

Any parcel of land which is to be owned independent of abutting parcels and is to be occupied by a use or building shall have access provided in accordance with the following standards:

40.10.01      Any parcel of land in a One-Family or Two-Family Residential District which is to be occupied by a use or building shall have frontage on a public street which has been accepted for maintenance by the City, unless otherwise provided in this Chapter. The extent of such frontage shall conform to the requirements of this Chapter.

40.10.02      Any parcel of land zoned in a classification other than One-Family or Two-Family Residential, which is to be owned independent of abutting parcels and is to be occupied by a use or building, shall have access by one of the following means:

40.10.03      An improved public street which has been accepted for maintenance by the City.

40.10.04      A public street which has not been accepted for maintenance by the City, providing the property owner has signed an Agreement with the City in which he agrees to:

1.      Open and improve the frontage street in accordance with the City's Street Opening Policy, or
2.      Participate in a special assessment street improvement project for which the special assessment process is complete and final approval has been granted by the City Council. The property owner shall notify any purchaser or lessee of said property of the existence of said Agreement.

40.10.05      A permanent and unobstructed private easement having a width of at least forty (40) feet. An easement of lesser width may be accepted, subject to the approval of the City Engineer, after receiving reports and recommendations from the Police Chief and Fire Chief. Such easements shall lead to an improved public street which has been accepted for maintenance by the City.

40.10.06      All points of access to major or secondary thoroughfares shall include the construction of acceleration, deceleration, and passing lanes as required by the Engineering Standards of the City of Troy.

## Chapter 39 - Zoning Ordinance

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40.10.07 Access facilities within easements provided in accordance with Section 40.10.05 above shall be improved with a drive or street constructed in accordance with City Public Street Standards. In such cases the property owner shall enter an Agreement with the City in which he agrees to:

- A. Pay cash fees for engineering costs of the City of Troy, which shall include plan review, testing and inspection.
- B. Assume complete responsibility for the maintenance of said access easement and drive or street facility, and
- C. Notify any purchaser or lessee of said property of the existence of this Agreement.

40.10.08 Building setbacks from access easements established in accordance with Section 40.10.05 shall not be less than twenty-five (25) feet. Landscaping requirements for yards abutting these access easements shall be the same as for yards abutting public streets.

### 40.20.00 PARKING REQUIREMENTS:

40.20.01 There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.

40.20.02 Off-street parking for uses in all Zoning Districts shall be on the same lot as the use or building served by the parking, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

(Rev. 11-24-03)

40.20.03 In R-1 and R-2 Districts, required off-street parking space shall be located within a non-required yard or within the rear yard unless otherwise provided in this Chapter. Required off-street parking space shall not be permitted in a required front or side yard unless otherwise provided in this Chapter, except that uncovered parking may be located within a required side yard. Where uncovered parking is located within a required side yard, said yard shall not be less than ten (10) feet wide. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

In other Residential Districts, the driveway approach to a garage or other required parking space shall not be counted as a required parking space.

(Rev. 04-10-00)

40.20.04 Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, or unless that use conforms to paragraph 40.20.13.

(Rev. 11-24-03)

## Chapter 39 - Zoning Ordinance

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- 40.20.05 Existing off-street parking in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (Rev. 11-24.03)
- 40.20.06 Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- 40.20.07 The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.
- (Rev. 11-24-03)
- 40.20.08 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- 40.20.09 For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- 40.20.10 When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- 40.20.11 Off-street parking areas shall be designed to provide for removal and storage of snow.
- (Rev. 11-24-03)
- 40.20.12 The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:
- A. Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
  - B. Allocation of square footage. The allocation of square footage to and among uses, including the anticipation of long-term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).



C. Impact.

1. The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
2. The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.

- A. Other specific reasons which are identified in the official minutes of the Planning Commission. The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

(Rev. 11-24-03)

40.20.13 The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.
- F. The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.
- G. For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.
- H. Approvals for the voluntary landbanking of existing underutilized parking spaces may be granted by the Planning Commission.

(Rev. 11-24-03)

## Chapter 39 - Zoning Ordinance

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40.21.00 For the purpose of computing the number of parking spaces required, the definition of floor area in Article IV, Definitions, shall govern, unless otherwise noted in this Chapter.

(01-17-91)

40.21.01 The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

(01-07-91)

### USE

### PARKING SPACES REQUIRED PER UNIT OF MEASURE

#### 40.21.10 RESIDENTIAL

(01-07-91)

40.21.11 One-Family Detached

Two (2) for each dwelling unit.

(01-07-91)

40.21.12 One-Family Attached

Two (2) for each dwelling unit.

(01-07-91)

40.21.13 One-Family Cluster

Two (2) for each dwelling unit.

40.21.14 Two Family

Two (2) for each dwelling unit.

40.21.15 Multiple Family

Two (2) for each dwelling unit.

40.21.16 Senior Citizen Housing

0.65 for each unit, and one (1) for each one (1) employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.

40.21.17 Convalescent Homes

One (1) for each two (2) beds.

40.21.18 Mobile Home Park

Two (2) for each mobile home site and one (1) for each employee of the mobile home park.

#### 40.21.20 INSTITUTIONAL

40.21.21 Religious Worship Facilities

One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship.

[Also See Section 10.30.04 (G)]

40.21.22 Hospital

Three (3) for each one (1) bed.

## Chapter 39 - Zoning Ordinance

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40.21.23	Nursery Schools and Child Care Centers	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students or children cared for.
40.21.24	Elementary Schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.
40.21.25	Middle or Junior High Schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.
40.21.26	Senior High School	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
40.21.27	Adult Foster Care Facility	Two (2) plus one (1) for each employee.
40.21.30	<u>PLACES OF ASSEMBLY</u>	
40.21.31	Restaurants	
	A) Dining room	One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.
	B) Banquet Room	One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each twenty (20) square feet of banquet area, whichever is greater.
	C) Restaurant Drive-up Facilities	Nine (9) stacking spaces shall be provided for each drive-up station.
40.21.32	Business Schools Colleges and Trade Schools	One (1) for each one (1) student allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
40.21.33	Martial Arts and Dance Schools	One (1) for each three (3) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

## Chapter 39 - Zoning Ordinance

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40.21.34	Commercial Recreation Facilities	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	-- Or --	
	One or more of the following; whichever is greater	
	A) Court Type Recreation	Two (2) for each person permitted by the capacity of the courts.
	B) Health, Fitness and Athletic Clubs	One (1) for each fifty (50) square feet of exercise area, including swimming facilities.
	C) Private (Non-profit) Recreation Clubs (Residential Districts)	One (1) for each two (2) member families and/or individual members, unless otherwise provided in this chapter.
	D) Stadium, Sports Arena	One (1) for each three (3) seats or six (6) feet of bench seating.
	E) Bowling Alley	Five (5) for each one (1) bowling lane.
	F) Golf Courses Open to the Public	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
	G) Miniature or "Par-3" Golf Courses	Three (3) for each one (1) golf hole plus one (1) golf hole plus one (1) for each one employee.
40.21.35	Lecture Facilities (Without fixed seats), Auditoriums and Theaters	One (1) for each two (2) seats and one (1) for each one (1) employee.
	(Rev. 11-24.03)	
40.21.36	Lodge Halls, Social Clubs and Fraternal Organizations	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. In those areas used for dining room or banquet room purposes, the parking requirements for such use areas shall apply.
	(Rev. 11-24-03)	

**40.21.40      RETAIL COMMERCIAL**

40.21.41      Retail Store  
(unless listed below)      One (1) for each two hundred (200) square feet of gross floor area.

40.21.42      Shopping Center      A minimum of one (1) per two hundred (200) square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls.

When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), the extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.

Places of Assembly

Maximum size of center (G.F.A.) in sq.ft.	Maximum percent of gross floor area	Maximum percent of available parking
50,000	15 %	50 %
100,000	25 %	50 %
100,000 +	20 %	40 %

Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking indicated above shall be provided in addition to the parking required for the total shopping center.

(Rev. 11-24-03)

40.21.43      Automobile Service Station      Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump unit.

40.21.44      Automobile Car Wash      One for each one (1) employee. In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line.

## Chapter 39 - Zoning Ordinance

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40.21.45	Automobile Sales and	One (1) for each two Service hundred (200) square feet of sales area and one (1) for each one (1) auto service stall in the service area.
40.21.46	Hair and Beauty Salons including Nail Salons	Three (3) for each of the first two (2) chairs and one and one-half (1-1/2) spaces for each additional chair.
40.21.47	Furniture, Appliance, and Service Trades,	One (1) for each one thousand (1000) square feet of gross Showroom and Sales floor area, plus one (1) for each one (1) employee.
40.21.49	Laundromats	One (1) for each two (2) washing machines.
40.21.50	Commercial Lodging Establishments	For each one (1) occupancy unit plus one (1) for each one employee. In addition parking shall be provided for restaurants, meeting rooms, conference rooms, banquet rooms and other similar assembly hall facilities, in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.
40.21.51	Mortuary Establishments	One (1) for each fifty (50) square feet of assembly room and visitation parlor area.
40.21.52	Commercial Kennels	One (1) for each employee in the largest working shift, plus one (1) for each fifteen (15) animals within the board capacity of the building; or one (1) for each four hundred fifty (450) square feet of gross floor area, whichever is greater.  (Rev. 02-05-01)
40.21.70	<u>OFFICES</u>	
40.21.71	Business and Professional Offices, except as otherwise provided in this article, Banks and other Financial Institutions  (Rev. 11-24-03)	One (1) for each two hundred (200) square (200) square feet of usable floor area, as indicated in Section 04.20.63
40.21.73	Medical, Dental and similar professions	One (1) for each one hundred (100) square feet of usable floor space as provided in Section 04.20.63.

## Chapter 39 - Zoning Ordinance

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40.21.74	Offices of Engineers, Architects and Landscape Architects (with drafting)	One (1) for each one hundred twenty five (125) square feet of usable floor area as provided in section 04.20.63.
40.21.75	Financial Institution  Drive-up Facilities  (Rev. 11-24-03)	Five (5) stacking spaces shall be provided  for each drive-up station.
40.21.80	<u>INDUSTRIAL</u>	
40.21.81	General Industrial	One (1) for every four hundred fifty (450) square feet of gross floor area. When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area.
40.21.82	Wholesale or Warehouse Facilities	Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. In addition, designated unimproved space must be provided on the site to enable compliance with Section 40.21.81, in the event of a change of use.
40.21.83	Mini-warehouse or Self-Storage Establishments  (Rev. 08-23-04)	One (1) space for each one hundred (100) storage units plus two (2) spaces for the caretaker residence or office.
40.22.00	<u>PARKING AS LIMITATION</u> Following approval of site and building plans providing parking in accordance with Section 40.21.00, the Chief Building Inspector shall have the authority to limit the occupancy of a building or establishment (both in relation to use and number of occupants) based upon the number of parking spaces provided. The inability to provide parking adequate to accommodate all occupants of a building or establishment shall thus result in a reduction in the amount of occupants permitted.	
40.25.00	<u>OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:</u> Wherever the off-street parking requirements in Section 40.21.00 above require the building of an off-street parking facility, or where P-1 vehicular parking districts are	

provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- 40.25.02 No parking lot shall be constructed unless and until a permit thereof is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Inspector and shall be accompanied

with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

- 40.25.03 Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

A	B	C	D	E
Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 Deg. to 15 Deg.	9.0 Ft.	12 Ft.	23 Ft.	30.0 Ft
16 Deg. to 37 Deg.	9.5 Ft.	11 Ft.	19 Ft.	46.6 Ft
38 Deg. to 57 Deg.	9.5 Ft.	13 Ft.	19 Ft.	53.2 Ft
58 Deg. to 74 Deg.	9.5 Ft.	18 Ft.	19 Ft.	60.4 Ft
75 Deg. to 90 Deg.	9.5 Ft.	24 Ft.	19 Ft.	62.0 Ft

Parking stalls within multi-level parking structures may be placed at nine (9) feet in width, subject to the approval of the Planning Commission, following their determination that such parking spaces will be related to uses which will involve long-term use of such spaces, and thus a low degree of turn-over in parking space use. Such stalls shall be clearly striped and thus separated by double four (4) inch lines (2 feet on center), in order to facilitate movement and to help maintain an orderly parking arrangement. Parking stalls related to short term uses such as convenience commercial uses and visitor parking shall be placed at a width of 9.5 feet.

- 40.25.05 All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

- 40.25.06 Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single family residential use.

- 40.25.07 All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.

- 40.25.08 Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty (20) feet distant from any adjacent property located in any residential District.

- 40.25.09 The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on sides where the abutting property or lot is zoned in a residential classification. Such walls shall be subject further to the requirements of Section 39.10.00, Article XXXIX, "Environmental Provisions". When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free



from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in healthy, growing condition, neat and orderly in appearance.

40.25.10 The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City Engineer. The parking area shall be surfaced within six (6) months of the date of issuance of any occupancy certificate for the related use. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area, in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall be approved by the City Engineer.

40.25.11 All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed only onto the parking area and the property which it serves. Parking structures shall be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety.

40.25.12 In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

40.30.00 PARKING STRUCTURE DEVELOPMENT STANDARDS:

It is intended that the provision of parking within structures or buildings shall serve to increase the value and convenience of related development, and to enhance, rather than detract from, the appearance of the overall development. It is further intended that the provision of such facilities shall not negatively impact the safety and security of the public. The following standards, referenced standards, or modifications of standards contained elsewhere in this Chapter, shall thus apply to parking structures or garages, and developments including such facilities:

40.30.02 Parking structures and their ramp systems shall be physically and visually integrated and compatible with the principal building complex they are serving. Freestanding parking structures or structures connected to the principal building by covered walkways are thus prohibited. A fully enclosed weather tight structural attachment between the parking structure and the principal building is required, as a minimum. Physical integration of the parking structure within the perimeter of the principal building complex is preferred.

(Rev. 10-14-96)

40.30.03 The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.

40.30.04 On sites involving parking within structures, the landscape area provided, apart from greenbelts abutting public rights-of-way (Section 39.70.02) and landscape area provided in lieu of parking, shall in no event be less than fifteen (15) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way), or the surface area of the parking structure levels other than grade level, whichever is greater.

## Chapter 39 - Zoning Ordinance

---

40.30.05 Parking structure development shall be in accordance with the City of Troy Safety and Security Standards for Parking Structures, as adopted by the City Council. (Including, but not limited to, Chapter 87 of the City Code.)

(Rev. 10-14-96)

40.30.06 Parking structures may be permitted by the City Council as a "Use Permitted Subject to Special Use Approval", following a report and recommendation by the Planning Commission. Persons seeking such Special Use Approval shall conform to the requirements of Section 03.30.00.

(Rev. 10-14-96)

40.40.00 Off-Street Loading and Unloading:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of way. Such space shall be provided as follows:

40.40.02 All spaces shall be provided as required in ARTICLE XXX, "SCHEDULE OF REGULATIONS", related to rear yards, except as hereinafter provided for "M" Districts.

40.40.03 All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "M" districts shall be provided in the following ratio of spaces to floor area.

40.40.04

<b>GROSS FLOOR AREA (In Square Feet)</b>	<b>LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF <u>USABLE FLOOR AREA</u></b>
0-1,400	None
1,401-20,000	One (1) Space
20,001-100,00	One (1) Space plus (1) Space for each 20,000 Square Feet Excess of 20,001 Square Feet
100,001 and Over	Five (5) Spaces

40.50.00 NONCONFORMANCE

40.50.01 Intent:

It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses

prohibited elsewhere in the same District. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the District involved.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### 40.50.02 Non-Conforming Lots:

In any District in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the District in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

### 40.50.03 Non-Conforming Uses of Land:

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter;
- C. If such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the District in which such land is located.

### 40.50.04 Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- B. Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

### 40.50.05 Non-Conforming Uses of Structures and Land:

If a lawful use of a structure, or of structure and land in combination, exist at the effective date of adoption or amendment of this chapter, that would not be allowed in the District under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this chapter in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located;
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;
- C. In any "B" or "I" District if no structural alterations are made any non-conforming use of a structure or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Chapter. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

- D. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed:
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

40.50.06 Repairs and Maintenance:

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

40.50.07 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

40.55.00 Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures:

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

- A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.
- B. They shall be on the same parcel of land as the principal building they serve.
- C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code. Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited.

E. They shall not be located within a dedicated easement or right-of-way.

(Rev. 07-11-05)

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

40.56.01 Attached Accessory Buildings

A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(Rev. 05-08-06)

C. The size of any door to an attached accessory building shall not exceed ten (10) feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(Rev. 05-08-06)

40.56.02 Detached Accessory Buildings

A. Detached accessory buildings shall not be erected in any yard, except a rear yard.

B. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.

C. The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

D. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.

- E. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.
- F. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

(07-11-05)

**40.56.03      Accessory Supplemental Buildings**

- A. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.
- B. An accessory supplemental building shall not be located in any front yard.
- C. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.
- D. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

(07-11-05)

**40.57.00      ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS: All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.**

(07-11-05)

**40.57.08      No more than two (2) antenna structures (no more than one of which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:**

- A. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.
- B. The numerical limits of this Section shall not apply in the following situations:
  - 1. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).
  - 2. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

(Rev. 04-23-01)

40.58.00      ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of seventy-five (75) feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet

above grade, shall not exceed twenty-four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

- B. No more than two (2) antenna structures (no more than one (1) which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:
1. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one (1) antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.
  2. The numerical limits of this Section shall not apply in the following situations:
    - a. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).
    - b. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

(07-11-05)

40.60.00      TEMPORARY COVERING OF PERMANENT STRUCTURES AND USES:

The covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering shall be subject to the following regulations:

- 40.60.02      Covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering shall be prohibited in all commercial, office, industrial, or research center zoning districts.

- 40.60.03      Covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering may be permitted in residential zoning districts only in relation to the following kinds of uses or areas:



- A. Recreation uses.
- B. Porch, patio, terrace, or entranceway areas.

In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).

### 40.61.00 TEMPORARY COVERING OF TEMPORARY USES OR ACTIVITIES:

The covering or enclosure of a temporary or short-term use or activity by means of an air-supported, tent-type or other temporary or readily removable covering may be permitted in any District, subject to the requirements and procedure as established by the Director of Building and Zoning, and subject further to the following conditions:

- A. The short-term events eligible for the use of such temporary covering are intended to be activities including, but not limited to, special events such as grand openings, corporate, institutional, or community celebrations.
- B. The short-term events must be clearly accessory or secondary to the principal uses or activities occurring within a permanent building on the same site. These provisions are not intended for the purpose of providing additional space for the principal uses on the site.
- C. The use of such temporary covering shall be limited to a maximum of five (5) consecutive days, and shall not occur more than four (4) times per year on any individual site.

(03-03-97)

### 40.65.00 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS:

The outdoor storage or parking of any airplane, antique or racing automobile, boat, float, trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than forty-eight (48) hours in all residential Districts, except where expressly permitted by other provisions of this chapter, unless the following minimum conditions are met:

- 40.65.02 All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front face of the principal building, but no closer than three (3) feet to any side of rear lot line.
- 40.65.03 Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
- 40.65.04 Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS:

Outdoor parking of commercial vehicles is prohibited in Residential Districts, with the following exception:

- A. The outdoor parking of one (1) commercial vehicle of one of the following two types is permitted, for each dwelling unit on a residential lot or parcel:
1. A Commercial Vehicle: Pick-up Truck, as defined in Section 04.20.33;  
(or)
  2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Section 04.20.34.

(Rev. 03-28-94)

40.70.00 ABOVE-GROUND STORAGE OF FLAMMABLE OR NON-FLAMMABLE GASES:

The above-ground outdoor storage of flammable or non-flammable liquids or gases, when permitted, shall be in conformance with all other applicable Codes and requirements, and subject to the following regulations:

- 40.70.02 Above-ground outdoor storage of flammable or non-flammable liquids or gases, when permitted, may be located only within rear yards. The Building Inspector shall determine the proper location for such storage when yards other than rear yards must be utilized in order to comply with other applicable Codes and requirements, or where an actual rear yard cannot clearly be defined.

- 40.70.03 Facilities for the above-ground outdoor storage of flammable or non-flammable liquids or gases, shall be screened from the view of those on adjacent public streets. When such screening cannot be achieved by the location of such facilities in relation to adjacent buildings, masonry walls, earth berms, or opaque planting screens shall be utilized. Such screening devices shall be designed so as to permit the free circulation of air around the storage tanks or facilities, and their design shall be subject to the approval of the Fire Marshall and the Building Inspector.

40.75.00 Uses Not Otherwise Included Within a Specific Use District:

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use District classification, they shall be permitted by the Planning Commission under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any "R" residential Districts.

These uses require special consideration since they service an area larger than the municipality and require sizable land areas, creating problems of control with reference to abutting use Districts. Reference to those uses falling specifically within the intent of this section is as follows:

- 40.75.01 Outdoor Theaters:

Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted within "M" Districts and only when the site in question is surrounded by an "M" District. Outdoor theaters shall further be subject to the following conditions:

- A. The proposed internal design shall receive approval from the Building Inspector and the City Engineer as to adequacy of drainage, lighting, screening and other technical aspects.
- B. Outdoor theaters shall abut directly upon a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way.
- C. Points of ingress and egress shall be available to the outdoor theater only from abutting major thoroughfares of not less than one hundred and twenty (120) feet of right-of-way width and shall not be available from any residential street.
- D. All vehicles, waiting or standing to enter the facility shall be provided off-street waiting space. No vehicles shall be permitted to wait or stand within a dedicated right-of-way.
- E. The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- F. The proposed outdoor theater shall be subject further to the review and approval of the City Council.

**40.75.02      Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility T.V. Transmitting Towers:**

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in "M" Districts and only when the site in question is surrounded by an "M" District, subject further to the following conditions:

- A. Said use shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the base of said tower to all points on each property line.
- B. The proposed site plan shall receive approval from the City Engineer as to adequacy of drainage, lighting, general safety, and other technical aspects.
- C. The proposed use shall be subject further to the review and approval of the City Council.

**40.75.03      Trailer Courts:**

Trailer Courts shall only be permitted within the M-1 Districts wherein the parcel being proposed for said trailer court is not isolated or surrounded on more than three (3) abutting sides by the M-1 District, provided further that the trailer court site shall be located along the M-1 District edge wherein such District abuts a multiple-family District and the trailer court site shall have one entire side abutting the multiple-family District. Trailer courts shall further be subject to the following requirements and conditions:

- A. Where such M-1 District abuts a residential District, said trailer area must then provide a twenty (20) foot greenbelt between the abutting residential District and the District in which trailer court is located; and must further provide for a twenty (20) foot greenbelt between itself and any abutting "M" District. The greenbelt shall

be located within the trailer court site and shall provide a continuous year around obscuring screen.

- B. An open area shall be provided on each trailer coach lot, to insure privacy, adequate natural light and ventilation to each trailer and to provide sufficient area for outdoor uses essential to the trailer coach. All lots shall contain a minimum area of at least three thousand (3,000) square feet. All such trailer lot areas shall be computed exclusive of service drives, facilities and recreation space.
- C. The sum of the side yards at the entry side and non-entry side of a trailer coach stand shall be not less than twenty (20) feet; provided, however, there shall be a side yard of not less than fifteen (15) feet at the entry side of the trailer coach stand and a side yard of not less than five (5) feet at the non-entry side of the trailer coach stand. There shall be a rear yard of not less than five (5) feet at the rear end of the stand and a front yard of not less than ten (10) feet at the front end of the trailer coach stand. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums above are maintained at all points in the side yard.
- D. No trailer coach shall be located closer than fifty (50) feet to the right-of-way line of a public thoroughfare, or twenty (20) feet to the trailer court property line.
- E. The trailer court shall have access only to a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way by directly abutting thereon.
- F. Prior to public hearings on the proposed trailer court, notification shall be given by the applicant by registered mail, return receipt requested, of the proposal for said trailer court and the date, time and place of public hearing to all parties living within one thousand (1,000) feet of the proposed trailer court.
- G. All trailer court developments shall further comply with Act 243 of Public Acts of the State of Michigan, 1959, as amended and any codes or ordinances of the City of Troy.
- H. The parking of a trailer coach not owned by a resident of the City for period exceeding forty-eight (48) hours on lands not approved for trailer courts shall be expressly prohibited, except that the Building Inspector may extend temporary permits allowing the parking of such a trailer coach in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer coaches owned by a resident of the City and stored on their individual lots shall be allowed for periods exceeding forty-eight (48) hours with no permit required, and shall be stored behind the front face of the principal building but no closer than three (3) feet to any side or rear lot line. For the purpose of this chapter the area occupied by the stored trailer shall be computed as lot coverage, and shall not exceed the maximum coverage permitted under Section 30.00.00 Schedule of Regulations. All trailer coaches parked or stored on lands not approved for trailer courts shall not be connected to sanitary facilities and shall not be occupied.

Exception: Trailer coaches used for office or similar occupancy may be permitted by special resolution of the City Council as designated in Chapter 47, Section 6.41, Subsections (2) and (3).

- I. No building or structure hereafter erected or altered in a trailer court shall exceed one story or fourteen feet.
- J. The proposed trailer court shall be subject further to the review and approval of the City Council.

### 40.75.04 Airports and Related Uses:

Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft, public, commercial or private, shall be permitted in M-1 Industrial Districts only upon the granting of a special use permit by the City Council of the City of Troy. After public hearing, such approval of and public hearing by the City Council shall be in lieu of the hearing and approval of the Planning Commission hereinbefore provided. Airports, landing fields, platforms, hangars, masts and other facilities shall be permitted to expand in M-1 Industrial Districts only, upon the granting of a special use permit of the City Council of the City of Troy after public hearing. Prior to such public hearing the Planning Commission shall review the application and plans and submit its recommendations to the City Council. Such special use permit shall be required for any additional facilities and/or expanded uses to be established and/or constructed on existing private, commercial and/or public airports, including, but not limited to, the following types of uses and facilities: Runways, land strips, landing areas, hangars, offices, maintenance and accessory buildings, tie down areas, and all structures and land uses related to airport operations. The Chief Building Inspector may grant a special use permit without a public hearing and approval of the City Council where the installation of the proposed facility does not constitute an expansion, enlargement or more intensive use of the premises for aviation purposes and does not exceed in value the amount of \$1,500.00. The City Council may grant such special use permit under such conditions as it deems necessary for the protection of the public health, safety and general welfare including, but not limited to the following:

- A. The City Council shall determine if the establishment of the proposed airport or any expansion of an existing airport is an appropriate use and will not interfere with the surrounding land uses.
- B. That the establishment of a proposed airport or expansion of an existing airport will not in any way conflict or overlap with the flight patterns and approach areas of any other airports.
- C. Multiple directional runways may be required in such numbers, orientation and manner as shall be necessary to achieve a 95% wind coverage with a cross wind component not greater than 10 knots. Such cross wind component is one that acts at a right angle to the longitudinal axis of the runway.
- D. No new airport, for public use and/or of a commercial nature, shall be established nor shall any/existing airport be allowed to expand to provide such uses which is located less than five miles from any other airport and less than twenty miles from any airport for which any instrument approach procedure is authorized by the Federal Aviation Agency.
- E. No private airport shall be established nor shall any existing airport be allowed to expand to provide uses of a public or commercial nature which is located less than five mile from any other airport and less than twenty miles from any airport for

which any instrument approach procedure is authorized by the Federal Aviation Agency.

- F. No new airport shall be established which would have the ends of runways located within one thousand (1,000) feet of any major thoroughfare, and measured from the center line to the end of the runway by extending the center line in a straight line to the thoroughfare.
- G. No existing airport shall be expanded whereby the ends to runways would be located within one thousand (1,000) feet of any major thoroughfare and measured from the center line to the end of the runway by extending the center line in a straight line to the thoroughfare.
- H. The City Council may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises resulting from the airport operation.
- I. The City Council may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from the blowing of dust, dirt, stones and other debris from the area onto adjacent property and roads. In so doing, the City Council may require such screening, green belts, blast fences, and other devices as shall be reasonable and appropriate under the circumstances.
- J. The City Council may impose additional conditions and safeguards as it deems necessary to minimize the adverse effects of such an installation on the character of the surrounding area.
- K. The City Council may impose such current Federal Aviation Agency and Michigan Aviation Commission regulations in force at the time of the hearing on the petition as it shall deem necessary to protect the public health, safety and general welfare and minimize the adverse effects of such an installation on the character of the surrounding area.

40.75.05

Garbage, Refuse, Rubbish, and Recyclable Material Transfer Stations:

Garbage, rubbish, refuse, and recyclable material transfer stations shall be permitted in M-1 Industrial Districts only upon the granting of a special use permit by the City Council of the City of Troy, after public hearing. Such approval of and public hearing by the City Council shall be in lieu of the hearing and approval of the Planning Commission hereinbefore provided. Prior to such public hearing, the Planning Commission shall review the application and plans and submit its recommendations to the City Council. Such special use permit shall be required for any additional facilities and/or expanded uses to be established and/or constructed on such transfer station sites. The City Council may grant such special use permit under such conditions as it deems necessary for the protection of the public health, safety and general welfare, including but not limited to the following:

- A. The proposed use must be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- B. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use and uses, and the

assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. All driveways and parking areas on the site shall be hard surfaced to specifications of the Engineering Department.

- C. The location and height of buildings or structures and the location, nature, and height of doors, walls and fences must be such that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general, nor impair the value of neighboring property, nor interfere with or discourage the appropriate development and use of adjacent land or buildings or unreasonably affect their value. Such buildings shall be completely enclosed.
- D. The standards of density and required open spaces for the proposed use shall be at least equal to those required in the M-1 Zoning District or at least equal to those prescribed in the special requirements relating to the proposed use, whichever is the greater.
- E. The location, size, intensity, site layout and periods of operation of any such proposed uses must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights, or the presence of toxic materials.
- F. The proposed use must comply in every respect with the special requirements and regulations provided for such use.
- G. The proposed use must provide for proper yard space, parking facilities, loading space, percentage of lot coverage, protective walls, size of buildings, lot area and width and other requirements of this ordinance.
- H. The proposed use must be in accord with the spirit and purpose of this ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this ordinance and the principles of sound planning.
- I. The following activities shall be prohibited, except as noted:
  - 1. Incineration or open burning in any building or on the site shall be prohibited.
  - 2. Overnight storage of any refuse material, other than recyclable materials, in any building shall be prohibited.
  - 3. Dumping or storage of any material, other than recyclable glass, household appliances and scrap metal, on the site outside the buildings at any time shall be prohibited.

Recyclable glass, household appliances and scrap metal stored outside the buildings must be in transport vehicles or transportable containers.
- J. For the purpose of this Section, the term "Recyclable Materials" shall mean solid wastes that may be separated, collected, processed, marketed, and returned to

the economy in the form of raw materials or products, including but not limited to types of metal, glass, paper, plastic, batteries, and yard waste.

- K. The City Council may impose such reasonable conditions as it deems necessary to protect the public health, safety, and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of such transfer station.
- L. The City Council may impose additional conditions and safeguards as it deems necessary to minimize the adverse effect of such an installation on the character of the surrounding area.

**40.75.06 Temporary Commercial Recreation Uses:**

Commercial recreation uses shall be permitted in M-1 Districts when such uses require substantial land area, but do not require large capital investment in structures. It is intended that such uses shall constitute an interim land use, and that the ultimate land use will be in conformance with the provisions of the M-1 District (Article XXVIII of this chapter). Such temporary commercial recreation uses shall be permitted only upon the granting of a special use permit by the City Council after a public hearing, and following a report and recommendation from the Planning Commission. Said public hearing by the City Council shall be in lieu of the hearing before the Planning Commission as herein before provided. Such a special use permit may be granted for an initial period not to exceed five (5) years, with the granting of subsequent two (2) year renewal extensions being permissible.

The City Council, in considering requests for temporary commercial recreation uses, shall find that such uses are not injurious to the surrounding area and not contrary to the spirit and purpose of this ordinance. Further, the City Council shall determine that the following conditions are met:

- A. The granting of the temporary use shall in no way constitute a change in the basic M-1 District and principal uses permitted therein.
- B. The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
- C. Standards as to setbacks, land coverage, off-street parking, and other necessary requirements to be considered in the granting of such temporary permits shall be established by the City Council, upon recommendation of the Planning Commission. Such standards shall be at least equal to those required in the M-1 Zoning District or for similar uses in other Zoning Districts.
- D. The City Council may impose additional conditions and safeguards as it deems necessary to minimize the adverse effects of such uses on the character of the surround area.



- 40.80.00     EXTERIOR LIGHTING:  
All lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential Districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
- 40.85.00     RESIDENTIAL ENTRANCEWAY:  
In "R" Districts, so called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 40.90.00 - Corner Clearance, provided that such entranceway structures shall comply to all codes and ordinances of the City of Troy, shall be approved by the Building Inspector and a permit issued.
- 40.90.00     CORNER CLEARANCE:  
No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
- 40.95.00     USE RESTRICTIONS:  
No portion of a lot or parcel once used in compliance with the provisions of this ordinance for yards, lot area per family, density as for a development in the Multiple Family Districts, or percentage of lot occupancy in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

41.00.00      ARTICLE XLI                      GENERAL EXCEPTIONS

41.05.00      AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Chapter shall be subject to the following interpretations and exceptions:

41.10.00      ESSENTIAL SERVICES:

Essential services shall be permitted as authorized and regulated by law and other provisions of the City Code, it being the intention hereof to exempt such essential services from the application of this Chapter.

41.15.00      VOTING PLACE:

The provisions of this Chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or public election.

41.16.00      OUTDOOR SPECIAL EVENTS:

Short-term outdoor special events including, but not limited to, grand openings, corporate, institutional, or community celebrations, may be permitted in any District, subject to the requirements and procedures as established by the Director of Building and Zoning, and subject further to the following conditions:

- A.      The short-term special event must be clearly accessory or secondary to the principal uses or activities occurring within a permanent building on the same site.
- B.      Applications for approval of short-term special events shall be submitted to the Building Department, and shall be accompanied by plans indicating the layout of the subject site, and facilities proposed to be placed on the site, or alteration to the site, related to the special event.
- C.      A short-term special event may be permitted for no more than seven (7) consecutive days within any twelve (12) month period.
- D.      Facilities placed outdoors in conjunction with a short-term special event must be located at least one hundred (100) feet from any boundary of the site which abuts residentially zoned land.
- E.      Permits for short-term outdoor special events shall also be subject to other applicable Ordinance and statutory provisions including, but not limited to, those related to noise/amplification, signs, health and sanitation.
- F.      Any appeals from these provisions may be considered by the City Council, and shall be subject to the procedures and the fees as established by the City Council for Zoning Variances.

(10-06-97)

- 41.20.00     HEIGHT LIMIT:  
The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments and wireless transmission towers (other than those controlled by Section 40.55.00); provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Conditional Use, or Special Approval Use.
- 41.25.00     LOT AREA:  
Any single lot existing and of record at the time Ordinance 23 became effective may be used for any principal use, other than conditional uses for which special lot area requirements are specified in this Chapter, permitted in the District in which such lot is located whether or not such lot complies with the lot area requirements of this Chapter, provided that all requirements other than lot area requirements prescribed In this Chapter are complied with; and provided that no more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Chapter for required lot area for each dwelling unit.
- 41.30.00     LOTS ADJOINING ALLEYS:  
In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Chapter, one half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- 41.35.00     YARD REGULATIONS:  
When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family District, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the City Planning Commission.
- 41.40.00     MULTIPLE DWELLING SIDE YARD:  
For the purpose of side yard regulations, a two-family, a row house, or a multiple-dwelling shall be considered as one (1) building occupying One (1) lot.
- 41.45.00     PORCHES AND PATIO STRUCTURES:  
An open, unenclosed, and uncovered porch, raised deck or patio structure, or paved terrace may project into a required front yard for a distance not to exceed ten (10) feet. Such facilities may project into a required rear yard for a distance not to exceed fifteen (15) feet, subject further to the requirement that the distance remaining between the encroaching facility and the rear lot line shall in no instance be less than twenty-five (25) feet. Porch, deck, patio or terrace facilities encroaching into required front or rear yards shall not include fixed canopies, gazebos or permanent enclosures, and shall be at a grade no higher than that of the first or main floor of the building to which they are attached.
- 41.50.00     PROJECTIONS INTO YARDS:  
Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

### 41.55.00 HISTORIC DISTRICTS:

Within those properties designated as "Historic Districts" in accordance with Chapter 13 of the City Code, the City Council may after Public Hearing permit the establishment of a specific use/uses in addition to those permitted by the Zoning District applied to the land. In Residential Districts, such additional uses may be permitted only on parcels having frontage on Major Thoroughfares as designated in the City of Troy Master Thoroughfare Plan. In properly located Residential Districts, such additional uses shall be limited to those permitted by Article XX of this Chapter, the B-1 Local Business District. In Non-Residential Districts, such additional uses shall be limited to those permitted in the B-1 Local Business, B-2 Community Business, B-3 General Business and O-1 Office Building Districts.

Prior to acting on requests for the establishment of such uses, the City Council shall receive reports and recommendations from the City Manager, the Planning Commission and the Historic District Commission as to the nature, effects, and acceptability of the building and/or site alterations proposed in conjunction with the establishment of the proposed uses, and the conformance of same with the intent of this Chapter and Chapter 13 of the City Code. These reports shall contain factual evidence directly, related to the findings indicated below which must be made by the City Council.

In considering and acting upon requests for the establishment of such additional uses within Historic Districts, the City Council shall make the following findings:

1. That the establishment of the proposed use is necessary in order to preserve the subject structures in accordance with the intent and purpose of Chapter 13 of the City Code.
2. That the proposed building and site alterations will be in accordance with the provisions of this Chapter and Chapter 13 of the City Code, unless modified as otherwise provided in this Section.
3. That the proposed building and site alterations will be designed so as to minimize adverse effects of such uses on the character of the surrounding area.
4. That financial guarantees have been provided so as to insure the removal of the building and site improvements necessary to return the subject property to its original use, should the "Historic District" designation be removed from the property.

Absent any of these findings, the proposed use shall not be permitted.

Site improvements such as off-street parking and landscaping shall be in accordance with those provisions of this Chapter applicable to the use or uses proposed, and applicable to the Zoning District within which such uses would otherwise occur. In lieu of required parking area screen walls the Planning Commission may permit the installation of landscaped berms and/or dense planting screens of at least 4'6" in height.

The City Council shall impose such additional conditions and safeguards as it deems necessary to protect the public health, safety and general welfare, and to minimize adverse effects of such uses on adjacent properties, and may modify

the development requirements of this Chapter only to the extent necessary to assure preservation of the subject structures in a manner in keeping with the intent of Chapter 13 of the City Code.

City Council action in accordance with these provisions shall be necessary for any succeeding change in use or occupancy involving building alterations requiring building permits.

Nothing in this Section shall be construed to alter, amend, or set aside other provisions of this Chapter or other chapters of the Troy City Code.

### 41.60.00 HEIGHT CONTROLS ADJACENT TO AIRPORTS:

The height of buildings and structures in the vicinity of publicly owned airport and heliport facilities, as established on the enclosed Airport Location and Height Control Map, shall be controlled by the provisions of this Section, or of the applicable Zoning District, whichever is more restrictive.

### 41.60.01 Definitions:

For the purpose of this Section, the following definitions shall apply:

1. Airport: A landing area, runway, or other facility designed, used, or intended to be used to the landing or taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars, terminal facilities, and other necessary buildings, facilities and open spaces. Airports are designated on the Airport Location and Height Control Map, and are further controlled by the provisions of Section 40.75.04 of this Chapter.
2. Established Airport Elevation: The elevation above mean sea level of the highest point of the usable airport landing area.
3. Flight Obstruction Area: All areas of land or water below airport imaginary surfaces.
4. Imaginary Surfaces:
  - a. Horizontal Surface: A circular plane, 150' above the established airport elevation which is constructed by describing radii of 5,000 feet from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by lines drawn tangent to those arcs.
  - b. Primary Surface: a 250-foot wide surface longitudinally centered on a runway. When the runway has a paved surface, the primary surface extends 200 feet beyond each end of that runway. When the runway is unpaved, the primary surface ends at each end of that runway. The extent of the primary surface, regardless of the runway surface, shall be further limited by any Displaced Threshold, as determined by the Michigan Aeronautics Commission.
  - c. Approach Surface: A surface longitudinally centered on the extended runway center line and extending outward 5,000 feet and upward at a

slope of 20 to 1 from each end of the primary surface.

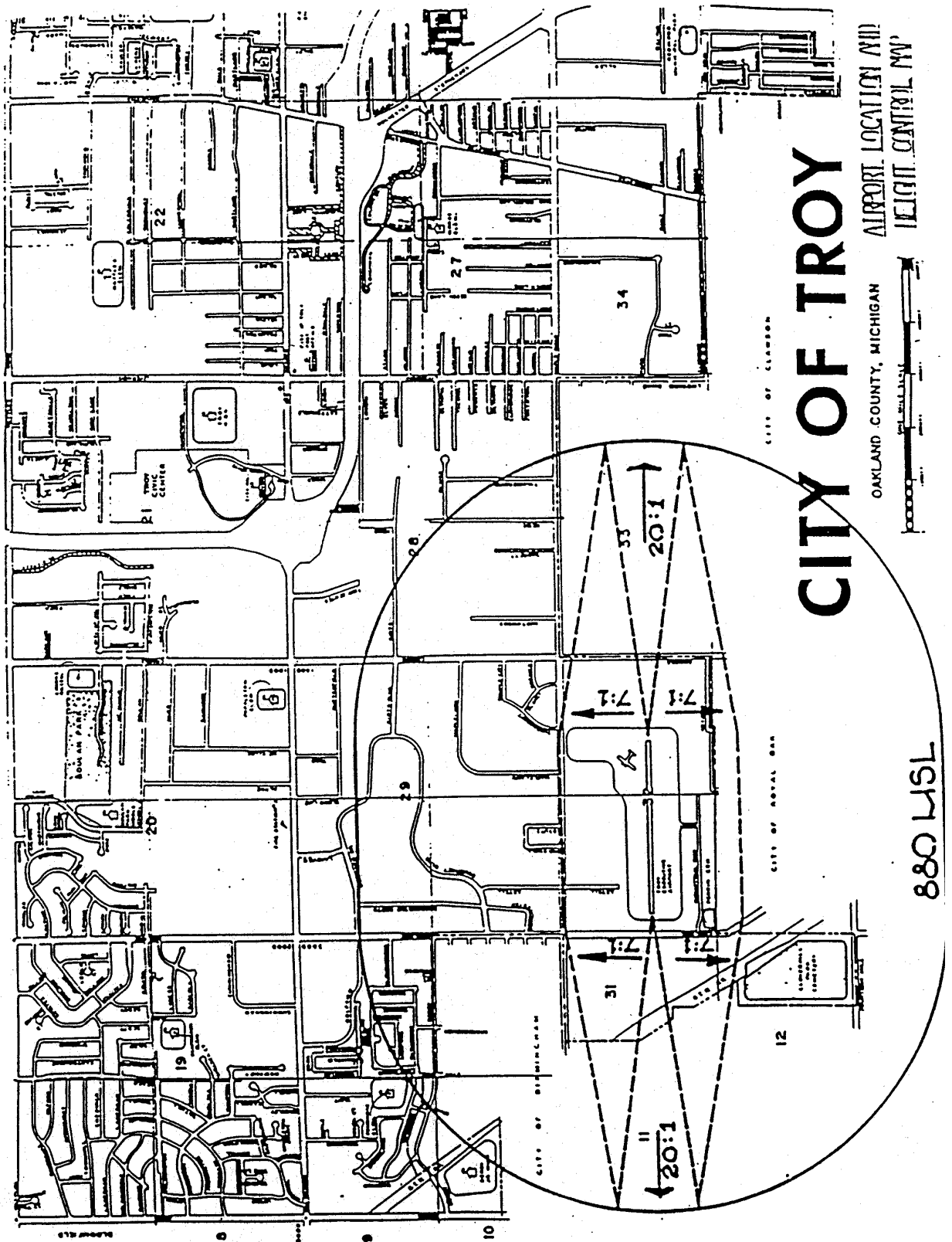
1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet.

41.60.02     Height of Buildings and Other Structures:

No building or other structure hereafter constructed or any existing building or other structure hereafter relocated, enlarged, or reconstructed shall project so as to penetrate airport approach, transitional or horizontal surfaces, whichever is more restrictive; provided that in no instance shall any building or structure exceed the height limitation of the Zoning District in which it is located.

41.60.03     Appeals:

Appeals from this Section shall be considered by the Board of Zoning Appeals. However, prior to making any decision, the Board shall notify the Federal Aviation Administration and the Michigan Aeronautics Commission of the appeal and of the time and place of the Public Hearing. The Board of Zoning Appeals shall receive a report from one or both of these agencies and shall give due consideration to same in making their decisions on such matters.



## Chapter 39 - Zoning Ordinance

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### 42.00.00      ARTICLE XLII                      ADMINISTRATION AND ENFORCEMENT

#### 42.10.00      ENFORCEMENT:

Except where herein otherwise stated, the Department of Building Inspection through its Director of Buildings and Inspection, officers, or employees, shall enforce the provisions of this Chapter. The Building Inspector, hereinafter referred to, shall mean the Director of Buildings and Inspection, his officers, or employees.

#### 42.15.00      DUTIES OF BUILDING INSPECTOR:

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Chapter. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for an excavation or construction until he has inspected such plans in detail and found them to conform with this Chapter. The Building Inspector shall record all non-conforming uses existing at the effective date of Ordinance 23 for the purpose of carrying out the provisions of Section 40.50.00. Under no circumstances is the Building Inspector permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as Building Inspector. The Building Inspector shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

#### 42.20.00      PLOT PLAN:

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

42.20.01      The actual shape, location and dimensions of the lot.

42.20.02      The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

42.20.03      The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

42.20.04      Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.

#### 42.25.00      PERMITS:

The following shall apply in the issuance of any permit:

##### 42.25.01      Permits Not to be Issued:

No building permit shall be issued for the erection, alteration or use by any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this chapter.

##### 42.25.02      Permits for New Use of Land:

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.



## Chapter 39 - Zoning Ordinance

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- 42.25.03     Permits for New Use of Buildings:  
No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.
- 42.25.04     Permits Required:  
No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Building Code, housing Law of Michigan, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- 42.30.00     CERTIFICATES:  
No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate.
- 42.30.01     Certificates Not to be Issued:  
No certificate of occupancy pursuant to Chapter 79 of the Code of the City of Troy shall be issued for any building structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- 42.30.02     Certificates Required:  
No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used by the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- 42.30.03     Certificates Including Zoning:  
Certificates of occupancy as required by the Chapter 79 of the City Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- 42.30.05     Temporary Certificates:  
Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter.
- 42.30.06     Records of Certificates:  
A record of all certificates issued shall be kept on file in the office of the Department of Building Inspection, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- 42.30.07     Certificates for Dwelling Accessory Buildings:  
Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

- 42.30.08     Applications for Certificates:  
Application for certificates of occupancy shall be made in writing to the Department of Building Inspection on forms furnished by that Department and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter.
- If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.
- 42.40.00     FINAL INSPECTION:  
The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the Department of Building Inspection immediately upon the completion of the work authorized by such permit, for a final inspection.
- 42.50.00     FEES:  
Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the Department of Building Inspection in advance of issuance. The amount of such fees shall be established by the City Council by resolution and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

### 43.00.00      ARTICLE XLIII              BOARD OF ZONING APPEALS

#### 43.10.00      CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Article VI of Act 110 of Public Acts of 2006, as amended, and in a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The Board shall consist of seven (7) members appointed by the City Council, one (1) of whom shall be a member of the City Planning Commission with appointment occurring annually. The City Council may also, at its discretion, appoint not more than two (2) alternate members, for the same term as regular members of the Board of Appeals, and one (1) alternate to the Planning Commission representative who shall serve for the same (1) year term as the Planning Commission representative. Alternate members shall function in accordance with the procedures established by Article VI of Act 110 of Public Acts of 2006, as amended. The Board shall annually elect a Chairperson and Vice Chairperson. The compensation of the appointed members of the Board may be fixed by the City Council. A member of the Board of Zoning Appeals may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Whenever a vacancy occurs, a successor shall be appointed not more than one month from the date of the vacancy or the last date of the term of the preceding member. Vacancies for unexpired terms shall be filled for the remainder of the term.

(Enacted: 09-18-06; Effective: 10-01-06)

#### 43.20.00      MEETINGS:

The Board of Zoning Appeals shall adopt rules of procedure. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at times as the Board determines. All hearings conducted by the Board shall be open to the public. The Director of Building and Zoning, or his representative shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and official action. Four (4) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to matters before it.

(Rev. 05-04-98)

#### 43.30.00      APPEALS:

An appeal may be made to the Board of Appeals by any person or entity affected by a decision of the Director of Building and Zoning. The appeal shall be made by filing with the Director of Building and Zoning an application for hearing before the Board of Zoning Appeals specifying the grounds for appeal. The Director of Building and Zoning shall transmit to the Board all documents relating to the appeal.

(Rev. 05-04-98)

43.40.00     STAY:

An appeal stays the Director of Building and Zoning's decision until the Board makes a decision unless the Director of Building and Zoning certifies to the Board, after the appeal is filed, that a stay would cause imminent peril of life or property. If certification is made, the decision shall not be stayed unless ordered by the Board or the Circuit Court.

(Rev. 05-04-98)

43.45.00     HEARING ON APPEALS AND REQUESTS FOR VARIANCES:

The Board of Zoning Appeals shall schedule a hearing on all appeals and requests for variances and give notice as set forth below. The Board of Zoning Appeals shall make a decision on the appeal and/or variance request within a reasonable time. A party may appear at the hearing in person or by a representative. The Board of Zoning Appeals may reverse, affirm or modify the decision of the Director of Building and Zoning. The Board of Appeals may grant or deny a request for a variance, or grant a lesser variance than requested. The Board of Appeals may impose conditions allowed by this ordinance and the Michigan Zoning Enabling Act.

(Enacted: 09-18-06; Effective: 10-01-06)

43.46.00     PUBLIC NOTICE FOR HEARINGS ON APPEALS AND VARIANCES:

A.     If the application for an appeal or variance is complete, notice shall be given not less than 15 days before each public hearing at which the application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1.     The applicant.
2.     The owner(s) of the property, if the applicant is not the owner.
3.     The owners of all real property within 300 feet of the boundary for the property for which an appeal or variance has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.
4.     The occupants of any structures within 300 feet of the boundary for the property for which an appeal or variance has been requested, regardless of whether the owner and property is located within the City of Troy.

B.     The notice shall include:

1.     The nature of the appeal or variance being requested.
2.     The property(ies) for which the request has been made.
3.     A listing of all existing street addresses within the property(ies) which is(are) the subject of the appeal or variance. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

(Enacted: 09-18-06; Effective: 10-01-06)

**43.50.00     ADJOURNMENT OF HEARINGS:**

The Board may adjourn the hearing to obtain additional information, to provide notice to property owners or occupants, or to enable the applicant to have all Board members present. If the board adjourns the hearing, notice of new hearing need not be given to those persons previously notified or heard.

**43.55.00     CONDUCT OF HEARINGS:**

Any person or entity affected by the decision of the Director of Building and Zoning may appear at the hearing in person or by a representative. That party may call witnesses and introduce evidence on the issue.

(Rev. 05-04-98)

**43.60.00     DECISION OF THE BOARD:**

The decision of the Board of Appeals is final.

- 43.60.01**     A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Director of Building and Zoning. The decision of the Board is binding upon the appellant and Director of Building and Zoning. Any items or conditions of the Board's decision shall be incorporated into the permit.

(Rev. 05-04-98)

**43.65.00     REVIEW BY CIRCUIT COURT**

A person aggrieved by a decision of the Board of Zoning Appeals may appeal the decision to Circuit Court, as provided by law. An appeal to Circuit Court shall be filed within 30 days after the Board of Zoning Appeals certifies its decision in writing or approves the minutes of its decision.

(Enacted: 09-18-06; Effective: 10-01-06)

**43.70.00     POWERS OF THE BOARD OF ZONING APPEALS:**

The Board of Zoning Appeals shall have the following powers or duties:

- 43.70.01**     To hear, and decide appeals from any decision of the Director of Building and Zoning in the enforcement of this Chapter which falls within the jurisdiction of the Board of Zoning Appeals.

(Rev. 05-04-98)

43.72.00

### VARIANCES:

The Board has the power to grant specific variances from such dimensional requirements as lot area and width regulations, building height and bulk requirements, yard width, size, or depth regulations, landscaping and loading requirements, as specified in this Chapter. However, the modifications may not be excessive and all of the following variance conditions must be met:

Variance Conditions: Any variance must:

- A. Not be contrary to the public interest or general purpose and intent of this Chapter.
- B. Not permit the establishment of a prohibited use as the principal use within a zoning District.
- C. Not cause substantial adverse effect to properties in the immediate vicinity or in the zoning District.
- D. Relate only to property described in the application for the variance.

### SPECIAL FINDINGS:

If all variance conditions are satisfied, a variance may be granted where there are practical difficulties resulting from unusual characteristics of the property which do not make it feasible to carry out the strict letter of this Chapter, or where strict adherence to the letter of this Chapter would destroy significant natural features or resources. Increased financial return alone to the applicant shall not be just cause for a variance based on practical difficulties. In granting a variance, the Board shall find that the practical difficulties justifying the variance are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the Board shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare.

When considering variance requests, if the board determines that a particular variance request occurs so often as to make practical formulation of a general regulation or ordinance amendment by the City Council, it shall advise the City Council.

### 43.73.00 EXPANSION OF NONCONFORMING USES OR STRUCTURES:

The intent of the Zoning Ordinance is to permit legal nonconforming structures or uses to continue until they are removed but not to encourage their survival. However, where literal enforcement causes unnecessary hardship, the Board may permit the expansion of nonconforming uses or structures if it makes specific findings that expansion is necessary to implement the spirit of the Ordinance, to insure public safety or accomplish substantial justice. The Board may only grant the minimum variance necessary to relieve the hardship. A hardship justifying a variance under this section exists if:

- A. There are exceptional conditions applying to the property, and
- B. A variance is necessary for the preservation and enjoyment of substantial property rights possessed by the subject property, and it is not detrimental to the preservation and enjoyment of substantial property rights possessed by other properties in the vicinity or Zoning District.

The provisions of this Section do not apply, and the expansion of nonconforming uses is expressly prohibited if the uses on all abutting properties are within a use category different than that of the subject use. For the purpose of this Section, use categories are Residential/Special, Commercial, Office and Industrial.

If the Board grants an expansion of a nonconforming use or structure, it shall require to the fullest reasonable extent, that all requirements of the City Code applicable to the subject use are complied with as if the use was in the proper Zoning District.

(Rev. 05-04-98)

### 43.74.00 TEMPORARY PARKING OF COMMERCIAL VEHICLES IN ONE- FAMILY RESIDENTIAL DISTRICTS

The Board of Zoning Appeals shall have the authority to review and approve or deny applications for the Temporary Parking of Commercial Vehicles in One- Family Residential Districts.

#### 43.74.01 Temporary Parking of Commercial Vehicles in One-Family Residential Districts as set forth in the preceding Section shall be based upon meeting standard C and either A or B:

- A. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- B. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- C. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

## Chapter 39 - Zoning Ordinance

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43.74.02 The Board of Zoning Appeals may grant approval for Temporary Parking for a period not to exceed two (2) years.

43.74.03 Except as otherwise provided in Sections 43.74.00 through 43.74.02, the procedure governing other appeals to the Board of Zoning Appeals shall be applicable to applications for the Temporary Parking of Commercial Vehicles in One-Family Residential Districts.

(Enacted: 09-18-06; Effective: 01-01-07)

43.75.00 INTERPRETATION:

The Board has the power to interpret that a use or combination of uses of land or structures be permitted if the provisions of this Chapter are not precise enough to determine the legality of the use or combination of uses. The Board must find that the use or combination of uses could not be administratively permitted in any individual Zoning District. The interpretation shall not permit the establishment of a prohibited use within a given District to the extent that the interpretation has the effect of changing the zoning classification.

Any use permitted through this interpretation procedure shall be a conforming use at the subject site.

(Rev. 05-04-98)

43.76.00 SCREENWALL MODIFICATIONS AND VARIANCES:

The Board of Zoning Appeals may waive or modify screenwall requirements, as set forth in Article XXXIX of this Chapter, where cause can be shown that no good purpose would be served and that there will be no detrimental effect on adjacent properties. When the Board determines that a wall is required, in no instance shall such a wall be permitted to be less than four feet six inches (4'6") in height. The Board of Zoning Appeals may permit the placement of a landscaped earth berm or other opaque landscape materials, in accordance with standards recommended by the Department of Parks and Recreation. In no instance shall the screening elements be less than four feet six inches (4'6") in height. In order to assure proper placement and maintenance of screening elements, the Board may grant such waivers or modifications for an initial period not to exceed three (3) years, with successive waivers for a similar maximum period. As an alternative, following an initial three (3) year waiver period, and their determination that the alternate screening elements are properly established, the Board may grant a permanent screen wall variance.

In consideration of requests to waive wall requirements between Non-Residential and Residential Districts, the Board shall obtain a determination from the Planning Director as to the future use of the abutting property, in accordance with the Master Land Use Plan. In such cases as the Planning Director determines the Residential District to be a future non-residential area, the Board may temporarily waive wall requirements for an initial period not to exceed three (3) years. Prior to action on any subsequent waivers, the Planning Director shall advise the Board of Zoning Appeals of any change in the Master Land Use Plan which could relate to the area of the property under consideration.

(06-29-92)



43.80.00     MISCELLANEOUS: The Board has the power to:

- A.     Consider proposals for accessory buildings and structures, as provided for in Sections 40.57.07 of this Chapter.
- B.     The Board of Zoning Appeals may modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities. When considering such requests the Board shall be required to determine:
  - 1.     That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and
  - 2.     That the resultant amateur radio antenna height represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.

The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.

- C.     Permit temporary buildings for permitted uses for periods not to exceed 2 years, subject to renewal.

(Rev. 05-04-98)

43.80.01     The concurring vote of 4 members of the Board is necessary to decide in favor of the applicant on any matter upon which it is authorized by this Chapter to render a decision. Renewals of previous actions, occurring in a timely manner, require a majority vote of Board members present.

43.80.02     Nothing in this Article shall be construed to grant the Board the authority to modify any provisions of the Zoning Ordinance other than those specified, or to alter the Zoning District Map because that authority is reserved to the Mayor and City Council.

(Rev. 05-04-98)

43.85.00     CONDITIONS OF APPROVAL:

The Board may specify conditions regarding location, character, landscaping, or other treatment of the site or structure that are necessary to the intent of this Chapter and the protection of the public interest. The conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

The breach of any condition invalidates the Board's action. Any action authorized under the provisions of this Chapter is void after twelve (12) months unless construction or action authorized by the Board has commenced and is being carried to completion.

## Chapter 39 - Zoning Ordinance

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43.90.00     RECONSIDERATION:

A decision of the Board cannot be reconsidered unless newly discovered evidence or substantially changed conditions are brought to the attention of the Director of Building and Zoning.

(Rev. 05-04-98)

43.95.00     FEES:

Before accepting an appeal, the Director of Building and Zoning shall collect for the City of Troy the appropriate fee.

(Rev. 05-04-98)